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REPORTS OF COMMITTEES

OF THE

SENATE OF THE UNITED STATES

FOR THE

SECOND SESSION OF THE FIFTY-FIRST CONGRESS.

1890-'91.

IN THREE VOLUMES.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2361.

REPORT

OF THE

SUBCOMMITTEE OF THE COMMITTEE ON FISHERIES,

UNITED STATES SENATE,

IN THE MATTER OF THE INVESTIGATION

OF THE

UNITED STATES FISH COMMISSION.

FEBRUARY 21, 1891.—Ordered to be printed.

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IN THE SENATE OF THE UNITED STATES.

Mr. STOCKBRIDGE, from the Committee on Fish and Fisheries submitted the following report:

The Committee on Fish and Fisheries of the Senate, to whom was referred the resolution of June 3, 1890, as follows:

Resolved, That the Committee on Fish and Fisheries be, and it is hereby, instructed to make an early inquiry into the administration of the affairs of the United States Fish Commissioner's office, and especially in respect of the changes in the force, compensation paid to employés, and any alleged favoritism, or other undue administration, and report to the Senate thereon.

Resolved, That the said committee have power to send for persons and papers.

Beg leave to make the following report:

The passage of the foregoing resolution was owing to the publication of certain charges of a rather sensational character which appeared in the press of the country, seriously reflecting, not only upon the administration of the affairs of the Fish Commission, but also upon the character and integrity of some of the officials connected therewith.

The charges so made having been brought to the attention of the Commissioner, he very promptly asked an investigation.

The maladministration charged included among other things:

(*a*) Entire lack of system and proper discipline in every department of the Commission, resulting in a greatly increased and useless expenditure of money.

(*b*) That the Commissioner and other officials, taking advantage of their positions, at the expense of the Government used the boats and fish-hatchery stations of the Commission as a means of private enjoyment for themselves and friends.

(*c*) That employés of the Commission were addicted to the use of intoxicating liquors to the extent of neglecting their duties and disgracing the service.

(*d*) That falsified statements of numbers of fish planted in the various lakes and rivers of the country had been prepared under the direction of the Commissioner, with the deliberate purpose in view of using the same before the committees of Congress in order to influence more liberal appropriations than might otherwise be made.

(*e*) That political considerations were governing in the matter of appointments within the Commission.

(*f*) That the Commissioner was guilty of nepotism.

(*g*) That under the present régime the rule was, increased appropriations and an extravagant expenditure of money in all branches of the work of the Commission; among other things an unwarranted increase in the salaries of certain favored employés.

(*h*) That the time of certain employés was being taken up, and material belonging to the Government used, in perfecting certain patents solely for the personal benefit of the Commissioner.

(*i*) That the present force of clerks and assistants in the Commission had been very greatly increased, with a corresponding expenditure of money, while the practical and scientific results do not compare favorably with those attained under Professor Baird.

The charges summed up can be best expressed in three words, viz: Inefficiency, extravagance, dishonesty.

Your committee at its first meeting after the passage of the resolution of investigation appointed a subcommittee, consisting of its chairman and Senators Blodgett and Squire, to investigate the affairs of the Fish Commission in respect to the charges referred to. Every person whose name was known to the committee as being in any way connected with the publication or dissemination of the said charges was notified that the committee would give him an opportunity to be heard and would also be glad to have him submit the names of any persons whom he desired subpœnaed; also that any material and relevant interrogatories which he might desire to have propounded to witnesses would be so propounded upon filing the same in writing with the clerk of the committee.

The hearings of the subcommittee were not public; neither were those who stood in the light of prosecuting the charges nor any member of the Fish Commission permitted to be present or be represented by attorney.

In all 63 witnesses were sworn and examined, a very great majority of whom were subpœnaed at the special instance of the persons appearing to have charge of the case against the Fish Commission. In every instance the committee accepted all the interrogatories filed, and although many were of doubtful relevancy, they were propounded to the witnesses designated, and also upon request of the same individuals subpœnas were issued for every person whose name was furnished where it was in the least made to appear that the testimony of such persons would be at all relevant to the subject-matter of the investigation, and great care was exercised to secure a full and impartial investigation of the pending charges without favor to anyone.

The testimony so taken and submitted with this report comprises over 650 printed pages, so that in order to facilitate an examination of the same your committee have prepared, and herewith submit as a part of this report, a synopsis of the testimony, indexed and arranged under separate topics, with references by page to the printed volume of testimony, which, as your committee believe, renders any lengthy and detailed report entirely unnecessary.

It will suffice to say in a general way that not one of the charges affecting the administration of the affairs of the Commission, or the standing and integrity of any official connected therewith, has been proven to have any foundation in fact whatever; further, that after a most searching examination into the administration of the affairs and methods of the Commission your committee are satisfied that there has not been extravagance, dishonesty, or inefficiency in its conduct; but, on the contrary, throughout the entire Commission the most perfect system and discipline prevail, resulting in an economical and judicious expenditure of the appropriations made by Congress.

The profligate use of money, as complained of, is not a charge which can be made against the present Commissioner and be sustained. The increase of the expenses of the Commission is entirely due to the enlarged field of work.

And right here your committee beg to call particular attention to the testimony, pages 339 to 346, for a full statement of the work of the Commission in the past and what it is doing to-day.

We find that the Commissioner has not used the boats, fish-hatchery stations, or other property of the Government for purposes not within the scope of the work of the Commission. It is true that members of

Congress and others have been invited to visit the stations and inspect the work of the Commission, but such visits have resulted in no expense to the Government, and it appears from abundant proof that where entertainment has been provided upon the occasion of these visits it has been at the private expense of the Commissioner.

The charge of intemperance, when fully examined, narrowed down practically to a specific charge that one certain official, upon a single occasion, drank liquor and became intoxicated. The testimony is not of such a character as to create the impression upon the minds of the respective members of the committee that the official was in the habit of using, even occasionally, stimulants to an excess, or in any such way as to unfit him for his duties. The party himself denies the charge of ever being intoxicated, and a number of reputable witnesses who had been intimately associated with him swear unqualifiedly that the man was not of intemperate habits.

Respecting the allegation that the records of the Commission have been falsified for the purpose of showing a greater number of fish planted in the lakes and rivers than was actually the case, your committee have to say that the records of the Commission in the matter of the distribution of fish and eggs are kept in such a manner as to almost preclude a possibility of anything of the kind, but beyond that, it satisfactorily appears from the showing made that the records respecting this branch of the work have been kept with a conscientious regard for the truth. Equally groundless are the charges that the Commissioner has been governed by political considerations in the matter of appointments to positions in the Commission, or that he is guilty of the charge of nepotism.

It is true, as has been charged, that the force of assistants employed in connection with the work of the Commission has been increased over the number employed in former years, and that there has been a corresponding increase in the cost of maintaining it; but it must be remembered that during the fiscal year ending June 30, 1887, there were but 12 fish-hatching stations in operation, while during the year ending June 30, 1890, there were 21; also, that the production of eggs, fry, and yearling fish for the fiscal year ending June 30, 1887, was 259,000,000, while for the year ending June 30, 1890, it was 358,000,000, or an increase of 99,000,000.

It should also be remembered that the amount of money available for the propagation of food fishes, and for the general administration was, in 1887, $136,614.92, while in 1890 it was only $160,000. We feel warranted in saying that the practical and scientific results of the work of the Commission exceed anything heretofore attained and that with a very moderate increase in cost to the Government over former years.

In conclusion, your committee, in view of the great importance to the country of the work of the Commission and the urgent necessity for its continuance, ask a careful examination of the testimony herewith presented, believing that it is sufficient to convince all fair-minded persons that there is no just cause to criticise the policy of the Commission or the course of the Commissioner and his subordinates in the matter of administration, but, on the contrary, that they deserve commendation for the conscientious work which they are performing.

FRANCIS B. STOCKBRIDGE.
WATSON C. SQUIRE.
RUFUS BLODGETT.

SYNOPSIS OF TESTIMONY TAKEN BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON FISHERIES OF THE UNITED STATES SENATE IN RELATION TO THE INVESTIGATION OF THE FISH COMMISSION, AND CONSTITUTING A PART OF THE REPORT OF SAID COMMITTEE.

INVESTIGATION OF THE U. S. FISH COMMISSION.

Digest of testimony taken by the subcommittee, consisting of Senators STOCKBRIDGE, SQUIRE, and BLODGETT, of the Committee on Fisheries, United States Senate, in accordance with the following resolutions:

Resolved, That the Committee on Fisheries be, and it is hereby, instructed to make early inquiry into the administration of the affairs of the United States Fish Commissioner's office, and especially in respect of the changes in the force, compensation paid to employés, and alleged favoritism or other undue administration, and report to the Senate thereon.

Resolved, That the said committee have power to send for persons and papers.

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CHANGES IN THE FORCE OF EMPLOYÉS, APPOINTMENTS, CLASSIFICATION, ETC.

CHARGES.

The New York Press of May 25, 1890, contains the following statement:

* * * "He (McDonald) found in office 99 employés. The great majority of them were experienced in the duties devolving upon them. Within a very few months many of them were discharged, presumably on account of their politics. Democrats unacquainted with the duties of the office were installed in their places. So faithful has McDonald been in his devotion to the Democracy that he has found lucrative positions for no less than 164 of his friends. Although Professor Baird ran the Commission with less than 100, McDonald finds it difficult to make it half as effective with 211."

C. W. Smiley (pp. 14–16), commenting on the above statement, says: "I think that Baird did run it with about 99 employés. * * * I should say that there are nearly 200 now. * * * This intimation that McDonald has worked this thing in the interest of Democracy is, in my judgment, all nonsense. * * * The Fish Commission has never been under political control. * * * Solicitation and importunity have come upon McDonald, being appointed by a Democratic President, from that quarter, and without McDonald's really intending to increase the Democratic contingent he has yielded to solicitation, and the result probably is that more Democrats than Republicans have come in under McDonald, but not with the distinct purpose on McDonald's part of making a Democratic organization." In reply to the query as to whether such appointments and dismissals as had been made by McDonald were made on political grounds the witness states: "I do not think they have;" but that a large number of unwise changes in the force of employés had taken place.

TESTIMONY.

H. A. Gill, disbursing agent (p. 236), submits statements of permanent and temporary employés of the Commission for the fiscal years 1884–'85 to 1889–'90 inclusive, showing character of service, period of time, rate of pay, total pay, etc.; also list of Fish Commission employés connected with the Cincinnati Exposition, 1888. (p. 234.)

Marshal McDonald (p. 325) presents the following lists relating to changes and increases in personnel during his administration:

A.—List of salaried employés of the U. S. Fish Commission on January 1, 1888, as reported under Senate Mis. Doc. No. 88, Fiftieth Congress, giving their names, positions, and annual compensation. (p. 325.)

B.—List of salaried employés of the U. S. Fish Commission, as shown by the pay rolls of May, 1890, giving (*a*) names, (*b*) date of first employment, (*c*) compensation at that time, (*d*) position occupied at that time, (*e*) present position, (*f*) present compensation. (p. 327.)

C.—List of persons in the regular service of the Fish Commission on January 1, 1888, but who are not now in its service, giving (*a*) names, (*b*) position, (*c*) annual compensation, (*d*) explanatory column of remarks. (p. 330.)

D.—Table showing "the organization and personnel of the permanent force of the U. S. Commission, as constituted January 1, 1888." (p. 331.)

E.—Organization and personnel of the U. S. Commission of Fisheries as now constituted, June 1, 1890. The entire personnel is grouped under the four divisions under which the work of the Commission falls, and for convenience of comparison those persons who were on the regular rolls of the Commission January 1, 1888, are indicated by an (*); those who were in the regular service of the Commission, but not continuously employed, and therefore classed as temporary employés, are indicated by a (†); those without designation of any kind are original appointments of the present Commissioner. (p. 333.)

F.—List of appointments made by the present Commissioner of Fisheries during his incumbency of office, giving names, positions, salaries, and reasons for appointments. (p. 336.)

G.—Classification and comparison of expenditures on account of salaries of permanent employés, as shown by the pay-rolls of January 1, 1888, and June 1, 1890 (p. 337).

H.—Number of permanent employés in the service of the Commission January 1, 1888, and June 1, 1890, arranged under the respective divisions of the work (p. 338).

By reference to these statements it will be seen that on January 1, 1888, immediately before Mr. McDonald became Commissioner, the number of salaried employés of the Commission was 105, whose aggregate annual compensation amounted to $105,034, while the total number of permanent employés on June 1, 1890, was 132, with salaries aggregating $128,984. A comparison of permanent employés in the service of the Commission in January, 1888, and June, 1890, shows an increase of 27, as follows:

In the Division of Fish Culture, which includes new stations, an increase of 9; in distribution, which service prior to 1888 was performed by temporary employés, who have since been made permanent on account of the increase of this work, an increase of 15, the temporary employés of 1888 in distribution constituting a part of the permanent force of 1890. In the Division of Fisheries there is an increase of 4; on the steamer *Fish Hawk*, an increase of 1. In the Division of Scientific Inquiry there is a decrease of 1, and on the steamer *Albatross*, a decrease of 1. No increase has been made in the personnel of the division of administration, or on the schooner *Grampus*; the personnel of adminis-

tration numbering 29, and that of the *Grampus*, 4. Under administra tion in 1890, however, is included Mr. S. F. Denton, skilled artist, whil work of this character in 1888, and prior thereto, was done by temporar employés. There is therefore a decrease of 1, in 1890, in the personn of administration proper as compared with that of 1888. Witness als submits correspondence as an illustration of the uniform policy whic has been pursued in the matter of appointments.

J. J. O'Connor (p. 612) states that he did not believe that Mr. M Donald had discharged a single employé who served under Professc Baird. There had been several voluntary resignations from the forc Employés were promoted solely on account of merit and fitness. Di not know of a single appointment which had been made on politica grounds; did not know the politics of a dozen persons in the Commi sion. Politics had never been considered in making appointment Knew that political pressure had been brought to bear on Mr. McDonal in the matter of appointments, and that in every case it had been r sisted. Did not know of a single instance in which Mr. McDonal favored employés who were Democrats; was reasonably positive tha the three assistants next to Mr. McDonald are Republicans.

Witness presents a proposed classification of the service (p. 613) sul mitted by Mr. McDonald to the Fiftieth Congress. Although this wa not legalized by Congress, it has been followed to a very great degre

J. W. Collins (pp. 480, 481) states that promotions and increases i compensation of Fish Commission employés are made in consequence c efficiency and devotion to duty. Thinks that the efficiency of the servic would be impaired by applying to it such system as has been adopte in other Departments in reference to appointments and promotion Believes the present system more economical. In reply to the questio as to whether the Commissioner had been governed by political cor siderations in making appointments, states: "I can positively asse that, to the best of my knowledge, there has never been any such cor sideration since he (McDonald) has been Commissioner. * * * I the appointments in my own division the question has never been aske by him what the politics of any individual were." The Fish Commissio has never been a political department. Thought that if it were subjec to political influences, it would rapidly deteriorate.

Richard Rathbun (p. 171): "Changes have never been made excep ing in the interest of the work of the Commission, and not from an influence brought to bear against the persons who have left the Con mission. * * * Nearly every person who has left the Commissio since Colonel McDonald has been in charge has done so of his own fre will." The increase in the business of the Commission necessitated corresponding increase in the total number of employés. This wa especially true in propagation, which included the additional station established, and which rendered an increase of force necessary. In r ply to the question whether in the appointment of any employés polit cal considerations have been brought in, the witness states: "I d not think they have at all. I know the politics of very few membe of the Fish Commission. * * * It is not a political machine. * * Appointments are based upon fitness for the place and not on politica grounds."

R. Dana (p. 50): "There is nothing carried on that was not carrie on under the late Professor Baird; just the same men employed."

W. R. Sauerhoff (p. 149), in reference to increase of force at Centra Station, states: "There may be in this building at present, but the have only been taken from other places and brought here;" this bein necessary on account of an extra amount of work to be done.

C. E. Gorham (p. 147) thinks that there are perhaps less clerks employed in proportion to the work done than before. Congress has added 6 or 8 new fish stations in the last few years, necessitating the employment of additional force.

M. M. Snell (pp. 209–211). The establishment of additional fish hatcheries and the expansion of the work of the Commission would lead necessarily to an increase in the force. Was very certain that the Commissioner would not appoint anyone who was not really essential to the progress of the work of the Commission. Knew of one appointment made by Commissioner McDonald upon political grounds, a Mr. Martin, who was appointed through the influence of Attorney-General Garland. Mr. Martin received $60 a month, the same pay as witness received. Two or three other clerks in the office, who were twice as experienced as Mr. Martin, got only $50 a month each. Mr. Martin was addicted to drunkenness, and was absent a great deal. He was discharged on account of incapacity. The Commission has never been run as a political machine.

H. C. Ford (p. 323) states that he had inquired of Mr. McDonald as to the political complexion of the Fish Commission employés. "He (the Commissioner) had to call in a great many to ask them what their politics were; but about three-fourths were Republicans. * * * He (the Commissioner) did not know himself what the politics of a great many of them were."

Frank Blaisdell (p. 35) submits letter from the Commissioner stating that his services would not be required after May 1, 1890. No reason for discharging him was given. No one had been appointed to the position vacated by him.

W. P. Seal (p. 191) understood from the Commissioner that Mr. Frank Blaisdell had been temporarily employed in the Commission, and that he was discharged for incompetency.

J. J. O'Connor (p. 591) submits two letters of notification sent to Mr. Blaisdell in reference to hours of duty required of employés, showing insubordination and irregular attendance on the part of Mr. Blaisdell.

M. McDonald (p. 565), referring to Mr. Blaisdell's connection with the Great Falls fish ways, states: "Mr. Blaisdell was selected as the engineer to make the field surveys and under my direction to make the necessary additional plans. These were completed in August, 1888, but when I came to examine them I found that both plans and specifications were too general to permit the advertisement of the work for contract." Submits papers (pp. 627–639) giving history of Mr. Blaisdell's connection with the Commission. He lacked the expert qualifications and professional experience necessary to discharge satisfactorily the duties of engineer officer of the Commission. Subsequent to September, 1888, he was engaged on temporary duty. He was neither rapid nor accurate in his work; was ignorant of constructive engineering, yet intolerant of suggestions and control. He was discharged on May 1, 1890; the immediate occasion for this action, however, was a knowledge of the fact that he was engaged in circulating statements to the discredit of the Commission and to the detriment of the public service.

W. B. Bayley (p. 71) states that his attention had been called to the fact that Mr. Blaisdell frequently absented himself from the office during office hours. The matter was reported to the Commissioner, who had an order sent to Mr. Blaisdell notifying him of hours of duty required of employés. Witness also adds: "I know that he (Blaisdell) knows nothing about mechanical drawing. So far as architectural drawing is concerned * * * his drawings for the Put-in-Bay sta-

tion had to be changed at the request of the contractors, because it was shown they were faulty." He was dropped because of lack of work and because he had been insubordinate in many ways. Witness had been shown an extract from a letter, a newspaper article, written by Mr. Blaisdell, reflecting on the Commissioner.

INCREASE IN SALARY EXPLAINED.

F. P. Fennell (p. 105) received an increase in salary from $75 to $100 per month after Mr. McDonald became Commissioner. His work was double what it was prior to receiving the increase.

F. L. Donnelly (p. 103). Compensation was increased from $83.33 to $100 per month by Mr. McDonald. "Additional work was imposed upon me."

E. C. Bryan (p. 100) had an advance in salary under Mr. McDonald from $65 to $100 per month. His work was about double what it was before the increase was made.

R. E. Lewis (pp. 143–144) had received an increase from $40 to $50 per month. When first appointed to permanent duty was an usher at Central station; at present employed as clerk in the office of the disbursing agent.

J. W. Collins (pp. 473–476) was appointed assistant in charge of the division of fisheries by the present Commissioner at a compensation of $2,400 per annum, which was increased in October, 1889, to $2,700 Understood that the principal reason for the increase was that the salary previously paid was not adequate to the duties to be performed. "My duties have been so onerous since I assumed charge of this position that it is rarely the case that I do not have work at night. Generally my working hours extend from a quarter to 9 in the morning until 10 o'clock at night."

Newton W. Simmons (p. 154) receives $100 per month, the same as received under Professor Baird. This is the compensation fixed for those in charge of the cars of the Commission.

W. R. Sauerhoff (p. 148) was advanced from $65 to $80 per month before Mr. McDonald became Commisioner; receives same pay at present.

C. W. Scudder (p. 150) submits letters from Mr. C. W. Smiley (his former chief), strongly recommending increase in his compensation. Had received an advance from $90 to $100 per month under Mr. McDonald, at the recommendation of the chief clerk. Duties and responsibilities had been also increased.

C. E. Gorham (p. 145): Compensation was changed by Mr. McDonald from $150 per month to $6 per working day. "It averages $6 a month more during the year provided I work all the time." Duties were about the same as before.

M. M. Snell (pp. 207–211): Not at present an employé of the Fish Commission. States that he received an increase in compensation from $60 to $75 per month under Mr. McDonald. This was not on account of increased duties at the time. His value to the Commission had been known for several years, but there was not sufficient money to pay higher salaries. "The arrangement of the salaries has always been very unjust. * * * It has been purely on account of a desire to economize, and they would always get every man for as little as they could. * * * Sometimes men doing a high class of work would be paid less than they ought to be." It had been announced as Mr. McDonald's intention, as soon as the appropriation should permit, to equalize the salaries and make them perfectly fair. "There were some moves

made in the direction of equalization. It was in connection with that that an increase in my salary was made." Thought it a wise policy.

H. M. Smith (pp. 159, 160) had an advance in salary from $80 to $115 per month under Mr. McDonald. Duties and responsibilities had been also increased; had charge of a large amount of correspondence, and directed the office and field work of 6 or 8 men.

J. J. O'Connor (p. 585): Compensation before Mr. McDonald became Commissioner was $1,800 per annum. Was appointed chief clerk by Mr. McDonald in July, 1888, at a salary of $2,200 a year, which was increased in August, 1889, to $2,400. His duties and responsibilities were also increased at the time.

J. E. Brown (pp. 72–74): Received an advance in salary under Professor Baird to $100 per month at the recommendation of Mr. McDonald. There had been no increase in his compensation since Mr. McDonald became Commissioner.

J. P. Wilson (p. 164): Had received no increase of pay under Mr. McDonald. His compensation was $2,000, a year, to which sum it had been increased by Professor Baird.

R. Rathbun (pp. 166–171): Was appointed assistant in charge of scientific inquiry by Professor Goode, at a salary of $2,200 per annum, which was increased by Mr. McDonald to $2,500, and later to $2,700. "Those increases I did not ask for; they came to me without request. * * * The duties have increased to the present time, and they are getting more and more onerous all the time. * * * I think, as a whole, that the rate of compensation in the Fish Commission is low compared with the other Departments. So far as the lower grades are concerned, below the classified service, it is exceedingly low. So far as the professional assistance is concerned, it is very low."

G. Brown Goode (p. 652): "I have no hesitation in saying that I think the administration (of Mr. McDonald) has been all that could be expected and more than was expected. The Commission is efficiently organized and is doing admirable work in every direction."

H. A. Gill (pp. 114–136): A general discussion of salaries, increases, etc.

FAVORITISM OR OTHER UNDUE ADMINISTRATION.

C. W. Smiley charges (p. 16–18). "He [the Commissioner] was prostrated in sickness at the time he was appointed and confirmed Commissioner. He has, in my judgment, been in that continued state of nervous prostration during these 2 years, and it has unfitted him for the duties of the office. * * * Owing to this condition of the Commissioner's health and mind he forms prejudices rapidly. He either thinks a good deal of an employé he has got there, or he thinks very little. * * * If they are in favor with him, they pursue an amount of personal liberty which we do not tolerate in the Census Office."

S. C. Brown (p. 24–29): Considered that the increases in salary of S. G. Worth, J. J. O'Connor, J. W. Collins, R. Rathbun, and T. H. Bean; the appointment of J. W. Collins' brother and daughter, and the sending of R. E. Lewis on the trip to Alaska were due to favoritism.

Frank Blaisdell (pp. 38–39) thought that E. I. Rogers had been unfairly discriminated against and should have more pay. Mrs. Palmer, whose principal duty seemed to be pasting scraps from newspapers, received the same pay as Rogers.

TESTIMONY.

T. H. Bean (p. 48) had never discovered that the Commissioner exercised favoritism and partiality toward some employés at the expense of others.

G. H. H. Moore (pp. 79, 93, 95) stated that he did not think the charge was true that the Commissioner had pets and favorites, who could do as they pleased, while others were held very rigidly to their duties. Thought that Mr. Rogers and Miss Lincoln were paid small salaries, "Take the employés of the Fish Commission as a whole, I think they are paid rather small salaries." As to whether he knew of persons who had been advanced in position and salary on account of personal favoritism he says: "I do not think Colonel McDonald would advance a man simply for favoritism."

L. G. Harron (p. 81) thought it was untrue that the Commissioner had favorites and pets, who could do almost anything, while others were held rigidly to the rules. Did not know of the slightest favoritism.

E. I. Rogers (pp. 86–89), replying as to the charge of favoritism, states: "Could not say that Colonel McDonald has any pets whatever; not to my knowledge; I am sure I am not one if he has." Witness did not think he was paid what he should be, and in proportion to what other draftsmen received. Did not attribute this to prejudice against him on the part of the Commissioner, who had always been very kind to him outside of salary matters.

S. P. Bartlett (p. 99): "I have never yet heard Colonel McDonald express a single word in favor of any man as far as favoritism is concerned. The only question is whether a man is qualified for the position."

E. C. Bryan (p. 101) did not think there had been any favoritism shown; whenever there had been an advance in one's salary it had been on account of increased duties or for some other good reason.

F. L. Donnelly (p. 105) did not know anything about any favoritism in the office.

F. P. Fennell (pp. 106, 107) did not think the Commissioner had any favorites; thought the Commissioner the embodiment of justice in that respect.

H. A. Gill (pp. 115–134) makes a general explanation of increases in salary of employés; (p. 142) in reference to favoritism states: "I can not say that I have seen any special favoritism. * * * If increased duties assigned indicate favoritism, then favoritism has been indulged in."

R. E. Lewis (p. 145), replying to the charge that the Commissioner had favorites and pets, whom he favored by advancing their salaries and otherwise, states: "My observation is just the contrary. * * * Colonel McDonald remarked whenever that subject was mentioned to him that the men he liked the best always had the worst time."

C. E. Gorham (p. 146): "I do not think Colonel McDonald has any marked favorites. He has some men who have been promoted, but I do not think they receive any more than their work entitles them to."

W. R. Sauerhoff (p. 149) had never seen any evidences of favoritism on the part of the Commissioner.

C. W. Scudder (p. 152): "I have not seen any favoritism. Some persons who have worked out of office hours have been promoted. If favoritism consists in promoting persons who work night and day, perhaps that is so."

N. W. Simmons (p. 155) knew there had been some promotions, but thought they had been in the line of civil service.

J. P. Wilson (p. 165): "I presume in every Department there are favorites, but I have no reason to suppose that his [the Commissioner's] favorites were not appointed on their merits." Did not know of any employé in the office who was not a good and faithful person in his position.

R. Rathbun (p. 169) did not believe that the Commissioner had favorites, whom he promoted and accorded more liberty than others. "There has been no favoritism with reference to myself. I consider that I have given equivalent for my compensation, and that I am retained simply because I have performed my duty satisfactorily to him."

S. F. Denton (p. 187) did not know of any employé being treated with special favoritism; he came to Washington a total stranger to everyone; exhibited his work and received an appointment in the Fish Commission; had been always treated fairly and squarely.

W. P. Seal (p. 190), replying to the charge of favoritism on the part of the Commissioner, says: "I have never noticed anything of the kind. I believe that Colonel McDonald will advance any worthy man. I have never seen him advance a man on account of political considerations or favoritism, but I think he is thoroughly conscientious."

W. A. Dunnington (p. 197): "I do not know of any favoritism or any changes that have been made that would lead anyone to suppose that they were made through favoritism."

H. E. Quinn (p. 203): "He [the Commissioner] did show partiality toward the South in appointments. His appointments are mostly from the South; that I can swear to."

M. M. Snell (pp. 208, 211): Not now an employé of the Commission. Did not consider that the increase in his salary was due to any special favoritism on the part of the Commissioner. Has never seen any evidences of favoritism. "The arrangement of the salaries has always been very unjust, but not on account of any favoritism."

M. McDonald (p. 35) submits papers showing history of Mr. E. I. Rogers's employment in the Commission. By reference to these it will be seen that Mr. Rogers's compensation was increased on July 1, 1888, from $60 to $75 per month by the present Commissioner. On October 2, 1888, he was discharged for intemperance and neglect of duty. He was reinstated on November 1, 1888, on entering upon a pledge of total abstinence for five years. Mr. Rogers states (p. 90) that he received no advance in salary from the present Commissioner.

J. W. Collins (p. 479, 480), referring to the charge that Mr. McDonald had favorites and pets, who were granted unusual privileges and advancement in pay, states: "My observation is that Colonel McDonald has been exceedingly conscientious in all matters appertaining to the administration of the Fish Commission, and it is my thorough conviction that whenever promotions have been made they have been made in consideration of the usefulness of those who have received the promotions."

J. J. O'Connor (p. 611): "In reference to the general charges of favoritism, nepotism, undue administration, etc., I can say that I have seen no such thing in the Commission. I do not know of a single employé who has been appointed on account of favoritism by the Commissioner. * * * Most of the employés assigned to work in the office are assigned at my recommendation, and transferred from one office to another at my recommendation, * * * and in every case in the interest of the service."

NEPOTISM.

CHARGES.

The New York Press (May 25) charges that 7 families in the Commission, numbering 19 persons, are drawing salaries which amount in the aggregate to $31,300 annually. It states that one of the first acts of Commissioner McDonald "was to fire out 3 Republicans and appoint his own nephews in their stead. Another relative also enjoys a comfortable income because of McDonald's nepotism. A careful investigation shows that McDonald and heads of 7 families, who are particular cronies of his, draw the big salaries and perform less labor than any of the Commission's employés." A full list of the persons in question is given in the Press. Again, on June 2, the Press claims that the list of relatives numbers 23 instead of 19, and with an annual pay-roll of $34,660. S. C. Brown, in his testimony (p. 24), states that the list is incorrect in that it does not include all the relatives.

FACTS BROUGHT OUT IN THE TESTIMONY.

Family connections were found to exist in the Commission to the following extent:

Frank McCormick is a nephew of the wife of the Commissioner, and was appointed July 5, 1888, by Commissioner McDonald, on the recommendation of the assistant in charge of scientific inquiry, in whose office he is employed. The position was a new one, called for by an increase in the work, and Mr. McCormick was the first one to fill it. The salary was $40 per month in the beginning, increased to $50 per month, April 1, 1889, because of greater efficiency. His position is that of copyist, and he is described by his immediate chief as an excellent man, hard working and efficient.

C. C. Lewis.—His brother and sister married, respectively, a sister and brother of the wife of the Commissioner. Mr. Lewis was appointed a messenger in the car service November 1, 1886, by Professor Baird, at $45 per month. Was promoted through the several grades to $75 per month. January 13, 1890, he was assigned to the Colorado station, as assistant to the superintendent, and his salary increased by $15 (to $90 per month) on account of the increased cost of living in Colorado.

R. E. Lewis is a brother of C. C. Lewis, and, therefore, has the same family relation as the latter to the wife of the Commissioner. He was first appointed in the temporary messenger service in May, 1887, during the administration of Professor Baird. He was appointed on the permanent rolls February 1, 1889, by Commissioner McDonald, at a salary of $40 per month, the position being a new one, not previously held by anyone else. His salary was subsequently increased to $50 per month. His position is that of clerk in the office, but he is sometimes assigned to outside duties. His services are highly commended by those under whom he has worked. Commissioner McDonald states respecting his appointment that he was a "young man of thorough integrity, industrious, and capable," whom he desired to train up in his office.

Miss Lillian M. Collins is the daughter of J. W. Collins, assistant in charge of the Division of Fisheries. She began work for the Commission in the winter of 1885–'86, and was also subsequently in temporary service, assisting her father in the preparation of material for his reports. This was during the administration of Professor Baird, who authorized payment for her services, but no payments were made to her. She was ap-

pointed to temporary duty by Commissioner Goode October 1, 1889, at the rate of $40 per month, and was placed on the permanent roll April 8, 1889, by Commissioner McDonald, at $50 per month. Her appointment was recommended by her father, in whose office she is employed, by reason of her fitness for a special class of work in which she had received a previous training. No one was displaced by her appointment.

Miss Caroline M. Gill is the sister of the disbursing agent, Herbert A. Gill, in whose office she is employed. She was appointed by Commissioner McDonald in the place of a lady clerk who had resigned to get married. Her compensation is at the rate of $50 per month. Mr. Gill, being a bonded officer of the Government, is allowed by judgment of the court to designate the employés of his office.

Miss Nellie V. Barry is a sister-in-law of the chief clerk, J. J. O'Connor. She was appointed on the temporary rolls by Commissioner McDonald as a copyist for 5 months, on a requisition of George H. H. Moore, superintendent of distribution, in whose office she was employed. She received compensation at the rate of $40 per month, and the time of her employment having expired, she left the service of the Commission before the close of this investigation.

A. S. Herr, who was reported as being on the rolls of the Commission, is a cousin of Dr. T. H. Bean, was employed only 17 days as an assistant night-watchman at central station during the shad-hatching season of the spring of 1890.

SUMMARY.

List of persons who had relatives or connections in the Commission at the time of the investigation.

	Salary.
M. McDonald, Commissioner	$5,000
J. W. Collins, assistant in charge Division of Fisheries	2,700
H. A. Gill, disbursing agent	2,400
J. J. O'Connor, chief clerk	2,400
Total salaries	12,500

List of relatives and connections of the above.

Frank McCormick, copyist	600
C. C. Lewis, assistant	1,080
R. E. Lewis, clerk	600
Lillian M. Collins, clerk	609
Caroline M. Gill, clerk	600
Nellie V. Barry, temporary copyist	200
Total salaries	3,680

Of the persons mentioned in the latter list five were appointed under Commissioner McDonald, and one under Professor Baird. Only four of Commissioner McDonald's appointees were on the permanent roll. One was appointed to succeed another who had resigned to marry. The remainder entered the Commission without displacing anyone. They all receive very small compensation, are described as good, faithful, and competent workers, and are subject to the same regulations as to attendance and discipline as the other employés of the Commission.

LACK OF DISCIPLINE.

CHARGES.

The charges respecting lack of discipline in the office were made chiefly by C. W. Smiley, formerly librarian of the Commission.

He states (p. 12) that he kept the clerks of his office as busy as he

considered the generality of employés in the building were kept busy "which was about two-thirds what they used to do under Professo Baird's administration."

(Page 16.) "He [the Commissioner] has allowed the force that he ha to loaf to an extent which is utterly unjustifiable, and has put in more people to help do the work. He has * * * allowed them to run away with him and to do as they pleased. They come strolling in anywhere from a quarter after 9, half past 9, quarter to 10, 10 o'clock to half-past. They put on their hats and go out at noon and stay a half hour, three-quarters of an hour or more, without leave or license. They leave their desks and are away from the building before 4 o'clock. I found it utterly impossible to maintain the discipline which I had been accustomed to maintain under Baird.

He then goes on to explain that census clerks, which he sent down to the Fish Commission building, invariably came back to him and reported about the laziness and looseness of affairs there; that the Fish Commission clerks commiserated the census clerks for having to work from 9 to 4. "There is a gross and deplorable lack of *esprit de corps*. There are very few people who take an interest in their work. They go there and stick as near the hours as they think they must, and they draw their salaries regularly. * * * . They struggle with each other to see who shall have the easiest time. * * * Chiefs of division are absent when they should be on duty. * * * I conformed my division as nearly as practicable to the general custom of the office, and if the chief clerk and the clerks in his office went off at 3, I did not raise any objection to the clerks in my office going off at 3 o'clock. * * * The Commissioner is responsible for all this state of affairs."

REFUTATION OF THE CHARGES OF MR. SMILEY BY THE TESTIMONY.

The testimony taken by the committee proves that, beyond a few isolated cases to be mentioned, the only serious lack of discipline was displayed in the office of Mr. Smiley before he left the Commission to join the census. His office was in a deplorable condition at that time, and wholly through his own willful neglect. Since his connection with the Commission ceased, the affairs of all branches of the office have been conducted with due regard to proper discipline and business methods.

It is difficult to summarize the large amount of testimony taken on this subject. To facilitate the understanding of the same we have arranged the personnel of the offices and of Central Station in tabular form, indicating by a star those persons who gave testimony respecting discipline. The testimony relative to each office is briefly summarized in the same order.

The table is as follows:

Commissioner's Office:
- The Commissioner.
- Mr. Hayes, stenographer.

Chief Clerk's Office:
- *J. J. O'Connor, chief clerk.
- *F. P. Fennell, stenographer.

Record Office:
- *C. W. Scudder, clerk.
- Miss Rockwell, clerk.
- Mrs. Palmer, clerk.

Office of Distribution:
- *Geo. H. H. Moore, superintendent.
- *F. L. Donnelly, clerk.
- *John E. Brown, in charge of property.
- Miss Barry, clerk.

Editor's Office:
- *T. H. Bean, editor.
- *S. F. Denton, artist.

Office of Inspector:
- *John Gay, inspector.
- *R. E. Lewis, clerk.

Stationery Office:
- *A. J. Stoerzer, clerk.

Library:
- E. Ellis, librarian.
- T. W. Keller, clerk.

Disbursing Office:
- *H. A. Gill, disbursing agent.
- A. C. Addison, clerk.
- Miss Nicholson, clerk.
- Miss Gill, clerk.

Disbursing Office—Continued.
W. H. Brittain, copyist.
Office of Scientific Inquiry:
R. Rathbun, assistant in charge.
H. E. Center, clerk.
H. S. Hinrichs, clerk.
F. McCormick, clerk.
Office Division of Fisheries:
J. W. Collins, assistant in charge.
E. Bryan, clerk,
Miss Collins, clerk.
Messengers:
George E. Butler.
W. Robinson.
J. H. Johnston.

THIRD FLOOR.

Drafting Room:
C. E. Gorham, draftsman.
E. I. Rogers, draftsman,
Engineering Office:
W. B. Bayley, U. S. N., in charge.
Miss Stocks, clerk.
Property Office:
J. P. Wilson, property clerk.
Miss Lincoln, clerk.
Office of Statistics:
H. M. Smith, clerk in charge.
W. de C. Ravenel.
S. Le R. Pritchard.
W. H. Abbott.
H. P. Parker.
E. S. Raymond.
M. M. Snell.
Laboratory of Scientific Inquiry
R. R. Gurley, assistant.
W. C. Kendall.

LOWER FLOOR.

Office of Superintendent of Station, etc.
S. G. Worth, superintendent.
P. T. Yeatman, clerk,
R. Dana, fish culturist.
Daniel Moore, laborer.
D. W. Kenley.
Aquaria:
W. P. Seal, in charge.
L. G. Harron, temporary.
Robert Timbers.
Machine shop:
W. R. Sauerhoff.
Ladies' waiting room:
Mrs. F. B. Pryor, charwoman.
Watchmen:
M. N. Tune.
A. S. Herr.
William Maynard.
Car service, and others temporarily in Washington:
N. W. Simmons, captain.
W. A. Dunnington, captain.
S. P. Bartlett, in charge distribution of fishes, Mississippi Valley.
Office of C. W. Smiley, disbanded, 1889:
C. W. Smiley, in charge.
C. W. Scudder, clerk.
A. J. Stoerzer, clerk.
Miss Rockwell, clerk.
H. P. Parker, clerk.
H. P. Jerrell, clerk.
C. E. Latimer, clerk.

THE CHIEF CLERK'S OFFICE.

Mr. O'Connor (pp. 589–591) presents a copy of a circular order issued June 25, 1888, and of a section of the regulations of the Commission, of previous date, in which the hours of work and the matter of leaves, etc., are expressly defined, and which conform to the regulations of the Executive Departments. He reports serious failure on the part of only two or three employés to conform to these regulations, and those persons were reprimanded in writing, copies of the letters to them being printed in the testimony.

Mr. Fennell (p. 106) states that he works from 9 to 4, and frequently until after 4; that he has strict orders not to go out to lunch until he has been relieved.

THE RECORD OFFICE.

Mr. Scudder (pp. 151,152) states that he has not seen any loafing or lounging around since Mr. Smiley's office was disbanded about a year previously; that employés are on time in the morning and remain until 4; he remains until after 4 himself.

OFFICE OF DISTRIBUTION.

Mr. Moore (p. 79) states that he knows the employés in his office keep very regular hours. Does not believe there are favorites who do as they please and others who are held very rigidly to their duties.

Mr. Donnelly (p. 105) states "We are here before hours and after hours." Has not been absent from the office during hours within a year. Does not believe the statement regarding laxity of attendance to be correct.

Mr. Brown (p. 73), in answer to the question as to whether there was slack discipline, states: "I should have to say that that was the other way since Mr. McDonald has been there and particularly in our department. I know our men are prompt. The messengers and clerks are on time, and they are not away without getting permission; not even to go up town without getting permission from the proper person.

EDITOR'S OFFICE.

Dr. Bean (p. 48) states that "there are a number of people in the Commission who spend their nights at work in the service without any additional compensation, and my impression is that they are not required to be in their office promptly at 9, but they make up more than the number of hours required in the service." Dr. Bean's office had previously been in the National Museum, and he was not acquainted with the discipline of the Fish Commission office.

S. F. Denton, artist (p. 187), works from 9 to 12 and from 1 to 4. Is always prompt in his attendance.

OFFICE OF INSPECTOR OF STATIONS.

John Gay (p. 113): "As far as I know I have found the employés reporting, as a rule, promptly about 9, and not leaving until 4."

R. E. Lewis (p. 144) states that he is generally about 5 minutes late but very seldom leaves until some minutes after 4. Takes from half an hour to 40 minutes at noon. Employés generally are on hand promptly and remain until 4 o'clock.

STATIONERY OFFICE.

Mr. Stoerzer (p. 622): So far as he knows the employés are on hand at 9 and remain until 4, complying fully with the regulation. He himself reaches the office from 10 to 15 minutes before 9.

DISBURSING OFFICE.

Mr. Gill (p. 142): "I can only state in regard to my office, that they (the clerks) are there promptly on hand and are not always ready to avail themselves of clearing off at 4 o'clock, often being required to stay after that, and are willing to remain after when requested."

OFFICE OF SCIENTIFIC INQUIRY.

Mr. Rathbun (pp. 168, 169): The clerks are kept exceedingly busy in his office, without one moment to spare at any time of the day. They are prompt in their attendance, and never leave without express permission at any time through the day.

F. McCormick (p. 154): Generally on hand at 9 o'clock; often about 5 or 10 minutes late in reporting, but never leaves the office before 4.

OFFICE DIVISION OF FISHERIES.

Captain Collins (pp. 478, 479): His observations are that there is no laxity of discipline in the Fish Commission offices. The employés in

his office report promptly at 9; remain regularly until 4, and frequently later. In many cases do work at night, for which they receive no extra compensation.

Mr. Bryan (101, 102): The employés are held to regular hours of work "in every sense of the word." They are strictly held to it. I do not know of any cases where they even try to shirk. I am here at a quarter after 8 in the morning, usually, and sometimes half past, and I usually go home about half past 6 or 7 o'clock, and about five nights in the week I am here at 8 or half past 8 and stay until 11.

DRAFTING ROOM.

Mr. Gorham (p. 146): The attendance is good. So far as he knows the employés do not go and come as they please. I know that if a clerk wants to be away he has to apply to the chief clerk or the head of his division and it is charged up against him. Even for half a day or several hours he has to be excused.

Mr. Rogers (pp. 86, 91): All absences are charged up to his time. He is there at 9 and leaves at 4. The observance of regular hours in the office is a great deal better than under Professor Baird, and is very good at present so far as his observations go.

ENGINEERING OFFICE.

Mr. Bayley (pp. 70, 71): Knows of only one person who was guilty of lack of discipline with regard to office hours—Frank Blaisdell, a draftsman in his office, who was going out at all hours and setting a bad example to the other employés. Called his attention to the matter and also reported it to the Commissioner, who wrote a letter to Mr. Blaisdell, calling his attention to the regulations, etc.

PROPERTY OFFICE.

Mr. Wilson (pp. 164, 165): "I think the discipline is better than it was under Professor Baird. I think Colonel McDonald is quicker in enforcing discipline than Professor Baird was. I do not think there is any criticism to be made in regard to attendance. I am sure that all the subordinates have to ask permission before they go out, and have to report when they come back. As far as I know, none of them would go without asking permission."

OFFICE OF STATISTICS.

Dr. Smith (pp. 160, 161): The men in his office arrive promptly at 9 and do not leave before 4, without permission, and in case they do leave before the close of the office, the time is deducted from their annual leave. Most frequently the men remain from 20 minutes to an hour after office hours, and many take work home at night. Reports three cases of lax attendance in his office, which were righted. One man absented himself too often without permission. He was not paid for time so spent and has resigned. Another, who was intemperate and absent in consequence, was dismissed. A lady belonging to another office was at one time assigned a place in his office. Was frequently absent through illness. Dr. Smith is often from 5 to 20 minutes late, owing to the fact that he takes office work home at night, and puts in about 10 or 12 extra hours per week.

As to the charges made by the census clerks to Mr. Smiley, Dr. Smith

denies that they had any foundation in fact. Clerks were not reading newspapers during office hours. Explains the newspaper clippings forming part of the official files of the office. The census clerks were treated with every civility, and extra trouble was taken to give them accommodations. The assistance which it was necessary to give them interrupted the work of the office considerably, and the records were left in bad shape through their carelessness. Some of the records have not been found since they left.

Mr. Ravenel (p. 665): Clerks were under the general regulation as to discipline. Cites that Mr. Snell, who took work home with him, sometimes came late, but more than made up his time. We attended strictly to our business, but when the census clerks were in our office had to answer their questions about the records, but they were always treated with courtesy, etc. Mr. Ravenel had to examine the newspaper files and mark the fishery articles, which may have given rise to the stories of Mr. Smiley about clerks reading newspapers in office hours.

Mr. Pritchard (p. 663): The clerks in this office were not in the habit of idling and of neglecting their duties. The demands of Mr. Smiley's census clerks sometimes interfered with the progress of his work, and the census clerks manage to mix up the records of the office so as to cause much confusion. They were not twitted about their hard time, etc. No conversation was had with them except on matters of business.

Mr. Parker (p. 624): The clerks do not come and go as they please. They are there promptly at 9 and stay until 4. They do not leave without permission.

Mr. Snell (pp. 208, 209): "In the office I was in there was a great deal of difference for different periods of time. As a rule, the understanding in the Commission was that people should take a personal interest in the work, * * * were not compelled to be present at any particular hour in the morning * * * in my division, and were not supposed to hurry off at a particular hour in the afternoon. Gave more time than was required of them, and his superior worked even a greater number of hours than he did."

(As to regular hours of work Mr. Snell was contradicted by the other clerks in the same office. This is the man who Dr. Smith says absented himself so much and refused to write up his shorthand notes, which no one else could decipher.)

OFFICE OF SUPERINTENDENT OF STATION AND HATCHING STATION PROPER.

Mr. Yeatman (p. 63): "I do not think there is slack discipline right around him. There are only 3 or 4 there and they are all prompt. I get there at 8:30, and they are all there. I do not think I ever knew a man to leave before 4 o'clock. My own chief, Mr. Worth, is a rigid disciplinarian."

Mr. Dana (pp. 50, 51): "So far as my own work is concerned, I work over hours. I go on duty at 7 and off at 6, and if anything arises during the night am called by telephone."

THE AQUARIA.

Mr. Seal (p. 190): "My observation is that the organization of the Commission, the general efficiency, is way beyond anything that has ever been known before. Some time in 1888 I was made superintendent of Central Station. I found a very loose state of affairs there. The

general office (then on Massachusetts avenue) was not cognizant of what was going on there. The employés were playing cards and carrying on in a manner that was not proper. I stopped it at once, and encountered a great deal of hostility on account of it. I believe the very men who are making complaints of inefficiency are the very men who were engaged in the looseness at that time, some of them, at least. I can see every month an increase in the efficiency of the service, as fast as it is possible for the Commissioner to make the desired reforms."

Mr. Harron (p. 81): As to charges of lax discipline and rules, believes that they are not true. Does not know of anything of the kind. Has to be there on time and leave on time, and if he wants a few hours off has to get permission.

MACHINE SHOP.

Mr. Sauerhoff (pp. 148, 149): Goes on between 8 and 9 and off between 4 and 5. Sometimes has to be there later—all night if necessary. Two launches are attached to the station; he also has to do with Fort Washington Station, and therefore has to be absent from the Central Station at times in regular line of duty. Thinks the employés make all the time they are called on to make.

TESTIMONY BY EMPLOYÉS NOT ATTACHED TO CENTRAL OFFICE OR STATION, BUT THERE OCCASIONALLY.

Mr. Simmons (pp. 164, 155): When in the office works from 9 to 4, with 30 to 45 minutes for lunch, during which he may or may not leave the building.

W. A. Dunnington (p. 198): Thinks every one seems to be there on time and leaves when the office hours close. That is as far as I know.

S. P. Bartlett (p. 99): Compares the Commission with the State departments of Illinois. "I do not know that I ever knew of a department where there seemed to be the same regularity of men coming and going that they have here."

Edward Fitzgerald (p. 85), formerly attached to Central Station. "In my own case I was prompt enough and worked overtime an hour and a half in the evenings sometimes." Those who worked with him did the same.

OFFICE OF MR. SMILEY DISBANDED DURING THE SUMMER OF 1889.

In his charges against the Commission, cited above, Mr. Smiley acknowledges the entire disregard of discipline which prevailed in his office, due to his own neglect to enforce the rules.

J. J. O'Connor, chief clerk (pp. 587–593), presents documents to show the personnel and duties of Mr. Smiley's office, and to prove that Mr. Smiley had given up working after hours for the Commission. Page 590 gives the official orders (No. 19, ect.) respecting discipline, issued June 25, 1888, and previously, and copies of which were then transmitted to Mr. Smiley's office. Page 593 states that there was no reason in the world why Mr. Smiley should not have maintained the same discipline among his employés under Colonel McDonald as existed under Professor Baird.

C. W. Scudder (pp. 620–621): Mr. Smiley was seldom in his office before 10, and it was sometimes 11 before he came in; does not know of any fishery business that would detain him; saw circular order No. 19 soon after it was issued, in 1888, and understood that it was to be com-

plied with. Mr. Smiley would leave at various times on private business and did not comply with the regulation; had been relieved of editorial work, and his absences could not have been caused by his visiting the Printing Office. Mr. Smiley did not get his breakfast until 9:30 o'clock, and would go home and do private work in the afternoon. In the office would frequently engage in loud discussions on subjects not pertaining to the Commission, sometimes for 2 hours at a time, thus interfering with the work of other employés.

All of this caused a great delay in getting letters and stationery from the office. The letters received were first sent to this office for registry in the morning, and owing to Mr. Smiley's late habits they would not sometimes reach the Commissioner until 12 or 1 o'clock. They were not allowed to be returned to the Commissioner until they had passed through Mr. Smiley's hands.

(P. 152.) The employés under Mr. Smiley were obliged to wait for him to come in to do his work in the morning, and he would be absent for an hour or two in the afternoon. If we ran out of work in his absence we would have to wait until his return.

A. J. Stoerzer (pp. 622, 623). Essentially the same testimony as by Mr Scudder. Circular order 19 was known to him. Mr. Smiley would reach the office from 10 to 11 o'clock or later; would go out at 12 or after 12 and remain an hour or so. Mr. Smiley would be in his office only from about 3 to 3½ hours a day. The mail would be greatly delayed in registry and would not reach the Commissioner's office until very late. Cites certain expressions of dissatisfaction respecting Mr. Smiley's administration of the office. The general opinion of the clerks in Mr. Smiley's office was not favorable to him.

H. P. Parker (pp. 623–625). Same character of testimony as Scudder and Stoerzer. Was sometimes 2 or 3 hours a day without work under Mr. Smiley, which is not true in regard to the other offices of the Fish Commission in which he has served. Mr. Smiley did not remain more than 4 hours a day in his office. Saw circular order No. 19 in the summer of 1888. Smiley's clerks complained of his treatment and policy. Describes his own treatment in relation to Mr. Latimer.

PATENTS OF M. McDONALD; HATCHING JARS, FISHWAYS AND FILTERS; RESPECTING THE CHARGES THAT GOVERNMENT EMPLOYÉS AND MATERIAL WERE USED IN PERFECTING THEM, TO THE PERSONAL GAIN OF McDONALD.

S. C. Brown (pp. 27, 28) states that Mr. McDonald claims to be the inventor of, and is interested in, the McDonald fishway patent. Witness is connected with this fishway and knows it to be a good thing. Did not know that Mr. McDonald had ever received any pay from the Government for the use of this invention. Knew that he could not make any claim in the case of the Great Falls fishways. Mr. McDonald also has a patent filter, which is being experimented with and adopted in the Armory Building. The filter is in use at the station. "This is a personal patent, and he (the Commissioner) uses Government employés' time in altering and in making plans and models of this filter." Understood from the Commissioner that a company had been formed for the purpose of putting the filter on the market for general sale.

T. H. Bean (pp. 48, 49) states that the McDonald filter is in use at Central Station, without cost to the Government, for obtaining filtered water for hatching and aquarium purposes. The McDonald hatching

jars were also used by the Commission without charge to the Government. Understood that Mr. McDonald was not connected with the fishway company. Did not believe that Mr. McDonald received any compensation for any of his inventions.

In reference to the McDonald hatching jar witness says: "It is one of the most important inventions that has entered into fish cultural operations. * * * It is in use all over the United States and also in many other countries, and recognized everywhere as the most valuable jar for hatching eggs."

W. B. Bayley (p. 70) states that it has been very difficult to get a good filter for the use of the Commission, a great many having been tried. "The filters (Mr. McDonald's) are used to furnish clear water to the aquaria, in which different species of fish are kept." Mr. McDonald has brought his filter to perfection simply for the use of the Commission. He has never sold one. Is positive that Mr. McDonald made no charge to the Commission for the use of the filters. They are automatic in action and work beautifully.

E. I. Rogers (pp. 89–91) states that some years ago he made one drawing of the McDonald filter during office hours. So far as he knew, the Government does not pay a cent for the use of it. "It is the finest filter that has been invented." Had done no private work upon Colonel McDonald's fishway.

George H. H. Moore (p. 94) had quite frequently seen employés of the Commission working on models of fishways and filters during office hours. The filters which had been made, with possibly one exception, were in use at Central Station to filter water for the aquaria.

W. R. Sauerhoff (p. 148) states that he had done work on the McDonald filter during office hours—some turning and drilling. Mr. Barry, a machinist, had also done some work on it. Considered the filter a valuable invention. It is in use at Central Station to filter water for drinking purposes and for the aquaria. The instructions from the Commissioner were that work upon the filter should not interfere with any other work at the station. Had not worked on the fishway to any extent.

C. E. Gorham (pp. 173–176) testifies that he made drawings of fishways for the Green and Barren Rivers in Kentucky, as also of the Great Falls fishways, in Government hours. The latter were requested by the Secretary of War. Had also done some work on the McDonald filter in office hours during the early stage of the invention and when it was understood that the filters were to be used exclusively for the benefit of the Fish Commission. This work was done in 1887, under the general direction of Professor Baird, who was then Commissioner. The invention was patented about that time. These filters have been in use at Central Station ever since. A great many changes and improvements in the construction of the filter have been made since the preparation of the original plans. "Early last fall the Commissioner told me he wished me to go ahead and get this filter into better shape. * * * He thought it would have a commercial value as an invention for general use." Such work as has been done on the filter since that time has been done out of office hours, in accordance with instructions from the Commissioner. Witness was to keep an account of such work as he did and render bill against Mr. McDonald when the work should have been finished. The greater portion of the work of perfecting the filter has been done since Mr. McDonald told him not to work on it during office hours. "I know that the Commissioner has paid for having his models made himself and for all the material he has used. * * * The only

expense the Government has been put to is in assembling them there in the building and putting them together. * * * I think there are two or three filters now used by the Fish Commission. The thing has not taken commercial shape yet. There has been none sold." Considered the filter a valuable invention.

John Gay (p. 180) testifies that the Board of State Fish Commissioners of Pennsylvania decided to adopt the McDonald jar after a thorough examination of other jars had been made.

W. P. Seal (p. 188) gives a history of the McDonald filter and explains the causes which led to its development. "It is absolutely necessary in the establishment of aquaria that there should be something of the kind. I myself, of course, consider that it is one of the most valuable things that have been recently developed in connection with the work of the U. S. Fish Commission." The filter is now in practical use at Central Station. Had no doubt that it would prove a valuable acquisition in connection with the hatching of fish, as well as for the aquaria. Did not think that any of the filters had been sold to outside parties.

H. C. Ford (p. 322): "I think it (the McDonald jar) is a superior jar for the hatching of whitefish. * * * We exemplified that in hatching 15,000,000 of pike perch in the Erie hatchery this last spring, and our loss was only 8 per cent." Thought the McDonald jar very decidedly the most economical hatching jar used in the work of the Pennsylvania commission.

M. McDonald (p. 553), replying to questions as to whether Dr. Bartlett had an interest in the McDonald Fishway Company, the number of shares held by him, the consideration paid for the same, and whether there was not an understanding with Dr. Bartlett, for the interests transferred to him, that he was to use his influence to secure the adoption of the McDonald fishway in Illinois, Michigan, and other Western States, Mr. McDonald makes the following statements: These questions relate to matters entirely private and personal to Dr. Bartlett, and should be addressed to him if considered pertinent to this investigation by the committee. I may add in this connection that the McDonald Fishway Company is a corporation organized under the laws of Virginia, and holds exclusive control of all rights and franchises arising under patents granted to me for improvements in fishways. The invention so far as it is covered by patents was perfected prior to my having any connection with the Government service. The organization of the company was also, I believe, made prior to my accepting service under the Fish Commission. The stock, so far as I am informed, has no present nor prospective value. * * * I have never made any transfer of interest of any kind or promise of consideration of any nature whatever to Dr. Bartlett with the understanding that he was to use his influence to secure the adoption of the McDonald fishway in Illinois, Michigan, and other Western States."

In answer to the question whether Dr. Bartlett had not stated to him that he (Dr. Bartlett) was going to secure the passage of a law in Illinois to compel owners of dams to construct such fishways as the State commissioners should prescribe, Mr. McDonald states: "I do not recall such a conversation, but it doubtless occurred. Such action on the part of the legislature would in my judgment be expedient and proper. Fishways in streams obstructed by dams are absolutely necessary to keep the streams stocked. The fish commissioners of the State are, from their position and presumed experience in such matters, best qualified to determine or approve the plans for any particular construction."

In reply to the charges that employés of the Fish Commission had

been engaged during office hours in perfecting his private inventions, and that material for the same had been purchased at the expense of the Government, Mr. McDonald says:

"I respectfully submit that it has been the policy of the Commission from the beginning to give liberal encouragement to experimental investigations looking to the improvement of the methods and apparatus of fish culture.

"For years, under Professor Baird, I was engaged in the investigation of definite problems looking to the improvement of methods and apparatus of fish culture. The hatching-jar now in general use here and abroad for hatching shad, whitefish, etc., and the tidal hatching-box now used for the hatching of the floating eggs of the marine species are the result of investigations undertaken by me with the authority and by direction and encouragement of Professor Baird.

"These investigations required the aid of draftsmen to design and workmen to construct the various tentative or experimental models and devices planned in the course of the investigations. Trained experts were also needed to conduct observations as to the working and to study the conditions of success or failure. The draftsmen, the skilled workmen, the trained observers were all employed and paid by the Government, and the material required for the experimental constructions was provided at the expense of the Government.

"No one, I presume, will question the wisdom of such expenditures, having for their object and resulting in the improvement of fish-cultural methods and apparatus.

"Since I have been Commissioner the duties of the general administration have left me little time or opportunity for experimental investigations. I have, however, given some thought to the problem of securing clear water for our aquaria here in Washington, and investigations having this end primarily in view have, after several years' study and experiment, resulted in the development of an automatic system of filtration, which doubtless will have value for general use. Anticipating the probability of such issue, I have been careful myself to pay for the material, patterns, castings, etc. None have been paid for by the Government. Some work in fitting up the models set up for study has been done by the machinists at the station, but these filters are now in actual use at the station, furnishing filtered water for drinking and for some of the aquaria.

"So far from developing a patented invention at the Government expense, I have developed a valuable aid and adjunct to the Fish Commission work at my own expense.

"Recently I have been engaged in the effort to apply the methods of retarding or controlling the velocity of water flowing down an inclined channel, which I had already applied in connection with fishway constructions to boat navigation in streams which, though having an ample volume of water, are not navigable by reason of their rapid descent.

"Could a system be devised which would provide for boat navigation without the interposition of locks and dams, we could meet at once the requirements of traffic and of fish culture. The possibilities of accomplishing this have interested me greatly. I have had constructed an experimental design with a view to observation and study. The model has been built by one of the carpenters at the station, and the material for it purchased on approved requisitions, and it is the property of the Fish Commission. * * *

"Now, in regard to the questions relating to the Great Falls fishway, I have not answered them because I do not see their bearing upon this

investigation, and it will involve a very heavy piece of work, and bring out the whole history of that work. I am prepared to undertake it if the committee think it advisable after my statement.

"The first movement toward the establishment of a fishway at Great Falls was instigated by the State commissioners of fisheries of Maryland and Virginia, under whose auspices a survey of the locality and a provisional plan of the fishway was made by Major Randolph, an engineer in the employment of the Baltimore and Ohio Railroad, I believe. No actual movement toward the construction of that fishway was undertaken until a bill for the increase of the water supply of the city of Washington was introduced and pending. As an amendment to that bill an appropriation of $50,000 was made for the erection of fishways at the Great Falls of the Potomac. * * * This was under the act approved July 15, 1882, and the act amendatory thereof approved February 26, 1885. * * * That appropriation was made, and under that appropriation the disbursement of money was to be made under the Secretary of War and immediately under the direction of the Chief Engineer of the Army, the Commissioner of Fisheries being required under the law to prepare the plans and specifications for such construction.

"Professor Baird was at that time Commissioner of Fisheries, and after various inquiries, running through some time, looking to the best form to be adopted, he selected the general plan which was submitted to him by myself, and I was instructed by him to prepare detailed plans and specifications based upon the general plan which I had submitted to him, which was done. These plans and specifications were transmitted to the Secretary of War, and the construction of the same undertaken under the direction of Maj. J. G. Lydecker, who was then in charge of the water supply.

"I will state that no part whatever of the appropriation thus made was disbursed by or under the control of the Commissioner of Fish and Fisheries, the Fish Commissioner being simply limited in his functions to furnishing the necessary plans and specifications and to the certification of such authorized accounts as were incurred for surveys and drawings in that connection, all of which were paid by Maj. J. G. Lydecker from time to time upon my certificate.

"The fishways were duly let to contract by advertisement, in accordance with law. The construction of fishways was progressing until the end of October, 1885, when the works were submerged by a high rise in the river, which put an end to the operations at Great Falls, doing great damage to the fishways. * * *

"In the summer of 1886, at the request of the Commissioner of Fisheries, the Secretary of War directed the completion of the lower No. 6 section of the fishway, no further work being done under that appropriation. In the deficiency bill passed February 1, 1888, there was an item of $25,000 for the completion of the fishway, the amount of this item being based upon the estimate of the amount necessary, which had been submitted by Maj. J. G. Lydecker.

"In the spring of 1888 the present Commissioner, after the appropriation had become a law, brought the matter to the attention of the Secretary of War, and announced his readiness to submit additional plans and specifications necessary, and asking that he authorize the expenditure of a certain amount of money to make the necessary field surveys and the new plans which were required to adapt them to the site.

"The authority was granted, and acting under it Mr. Frank Blaisdell was selected as the engineer to make the field surveys, and under my direction to make the necessary additional plans. These were completed

in August, 1888, but when I came to examine them I found that both plans and specifications were too general to permit the advertisement of the work for contract, but served as a basis of a report which was transmitted to the Secretary of War, developing the general plan which it was proposed to pursue in the completion of the work.

"Further authority was then asked to employ a draftsman to complete in sufficient detail the plans and specifications of the work, so that it might be let to contract in accordance with the decision made by the Secretary of War. These plans were made during the following winter and spring, that is, the spring of 1885, by Mr. C. E. Gorham, but they were completed too late in the season to permit sufficient time for the completion of the work before the season of high water at the falls, which would necessarily endanger the operation.

"This involved the postponement of the construction to the present year. The plans and specifications have been completed and ready to be submitted for two months. I have been delayed first by the press of other business, but more especially by the fact that I have not been able to find an engineer qualified for the work who is willing to undertake that class of work, since it involves only temporary employment, only 2 or 3 months. * * * The Engineer Department is not willing to detail a man for this work. * * * They prefer that the engineer to take charge of this construction should be designated by the Commissioner, and the matter is now held in abeyance.

"To sum up the matter, two appropriations have been made, of $50,000 and $25,000. Of the appropriation of $50,000, recently made, I think there remains unexpended some $4,000 or $5,000, and a lot of material which was left over from the old fishway, amounting to probably as much more. Of the appropriation of $25,000, not a dollar has been spent, and being a continuing appropriation, it is available whenever the work is undertaken. * * * I consider it a very important work, with a view to settling the possibilities of the opening of falls like that to the ascent of fish. I do not think it is certain when the work is completed that it will result in passing shad. I believe so firmly, but it is not certain, and, therefore, it is a work which is, and was at the time, considered an experimental work. It was thought proper to make the expenditure of money to test, once for all, under the best conditions and under the most careful observation and construction the possibilities there were in that direction. * * * The height of the falls is 71 feet. * * *

"The Secretary of War in 1888, in approving my general plan and specification submitted in 1888, decided that the work should be done by contract, the supervision of the work to be made by an engineer appointed by the Commissioner of Fisheries, but that all disbursements on account of the work should be made by Col. J. M. Wilson, who was then in charge of the public buildings and grounds and a great many things in Washington, and who was succeeded by Colonel Ernst. I have had no further communication with the Secretary of War, nor was there necessity for any further communication with Colonel Ernst until I was ready to submit all the plans and specifications, which I have been for 2 months. They are already rolled up, the whole work completed, but it requires me to be in a position, before I submit the plans, to recommend an engineer who shall take charge of it. * * * Then there is one other question about fishways I should like to answer * * * 'At any time have you approved or had made plans of fishways, other than those for the Great Falls fishway, during Government time?' I will state that I have had a number of drawings and

plans made in regard to fishways during Government time, but they all related to the development of Government work.

"I may mention, for example, that Mr. Rogers was employed in making drawings of a little model fishway that we have at our Wytheville station, which is there with a view of collecting the trout from the river, running them up into the pond above, and in that way securing them for spawning. I considered it an interesting development in that direction, and I desired to have that printed in our report. So I had him make drawings of that. * * * The work has been constructed, and is a success. * * * I intend to apply the same idea to the Colorado station. It is a matter of the expenditure of $20 or $30. The fish, of course, in their spawning season, will go up into the rapids of the stream to find their spawning grounds, and by placing these intercepting fishways in the runs of the fish we should be able to collect them under such conditions that we could handle them without any trouble. * * * Again, Mr. Rogers has made a series of sketches looking to the illustration of a revised report upon fishways, which I prepared to publish as a part of the official documents of the Fish Commission. Some years ago Mr. C. G. Atkins, of Maine, prepared a report on fishways which covered all existing knowledge at that time, and gave illustrations of all the fishways of different designs and devices which were in use in this country and abroad. Since that time, of course, there have been modifications of the designs and improvements and new devices, which it is my intention to publish for the general information of fish-cultural interests. * * * No draftsman nor other employé of the Commission has spent Government time upon any private enterprise in the way of fishways. * * * There is no private enterprise in the way of fishways. Although there is a pride and personal interest, of course, in my own invention, yet as a matter of profit there is no possibility of profit in this work. My only interest or ambition in the matter is to progress along the line of fish cultural development. There was a time, I must confess, when I was young and green, when I hoped with the enthusiasm of an inventor that a great deal would come out of this fishway, but I abandoned that idea years ago. It is one of those inventions which will grow as slowly as an oak, and which will bear its fruit, probably, after I am dead and gone. But as to my getting anything out of it, I have not the slightest anticipation.

"I will give you another illustration. I may state that I myself, in response to a request of the Société d'Acclimatation of France, prepared a design of a fishway for the Vienne River. I prepared that myself—made the drawings. I do not know whether I did it in Government hours or not. I know that I do not observe any office hours. My work is all the time in the interest of the Government, but I think I did this work at home at night. I prepared the plans and forwarded them to the Société d'Acclimatation. They were submitted by request of the Département des Ponts et Chaussées, which represents the engineer department of France, and by them submitted to the criticism of their engineer of the subdepartments, and those fishways were adopted in France after the criticism of the best engineers, among the best engineers of the world, and are now in course of construction on their various rivers. The one on the Vienne River has been completed, and two are now being built on the Seine. * * * Received no compensation from the French Government except a medal, what they call the 'Geoffroy St. Hilaire.'

"I will state further, that plans and models of my fishway of different designs have been made from time to time at Government expense, in

pursuance of a general plan of having a complete series of models of fish-culture devices and aids in our exhibition series in the National Museum. Those models were sent to the Berlin Exposition and to the Fisheries Exposition in London, and in both cases the design of the fishway was approved by the committee and received the gold medal.

"Now this question I should like to answer: 'Did you have plans made for a fishway at or near Bowling Green, in Kentucky?' Yes, sir; those plans were made at the request of Lieutenant Mahan, an officer of the Engineer Corps, who was in charge of the improvements on the Green and Barron Rivers, in Kentucky, a law having been passed by Congress requiring, or rather authorizing, the Secretary of War in his discretion, wherever obstructions were placed in the rivers by Government agency or authority which prevented the upward movement of fish, to provide for the construction of fishways or passes in connection with the dams. I responded, of course, to the request of Lieutenant Mahan, and having received from him plans of the dam, I prepared the detailed plans and specifications for the fishway, which I sent to him. It was a response merely to the request of an officer in another department of the Government."

Mr. McDonald (p. 631) submits complete papers giving a full, a corrected history of the Great Falls fishway, the correspondence between the Secretary of War, the Chief of Engineers and others, and the U. S. Commissioner of Fisheries; also reports made from time to time in regard to the progress and condition of the work (pp. 631–651).

FORT WASHINGTON STATION, POTOMAC RIVER; CENTRAL STATION, WASHINGTON, D. C.; S. G. WORTH, SUPERINTENDENT.

CHARGES.

The New York Press of May 25, 1890, contains the following:

"Many complaints have been from time to time made that Commissioner McDonald and the little coterie which trains with him have indulged in costly excursions down the river and elsewhere at Government expense. As Commissioner McDonald, of course, controls the movements of the steamers attached to the department, very frequently he invites his immediate friends on a trip to the Fort Washington Station. There a summer beer garden has been established, the bar of which is presided over by one of McDonald's henchmen. Fish and clams, oysters, and other delicacies are always on hand, while plenty of wine, beer, and other drinks are to be had for the asking. During the Cleveland administration it was possible for McDonald to secure payment from the Treasury Department of bills incurred in the purchase of viands and drinks which he desired to provide his guests.

"The present administration, however, has refused to do anything of the kind. McDonald, however, hit upon a plan for selling fish, oysters, and clams and applying the proceeds to buying beverages. This scheme has been worked on numerous occasions, and his guests never go dry. Those outside of McDonald's ring who have enjoyed these little excursions have asked frequently how he could afford such lavish entertainments. The reply invariably has been, 'Oh, the Government pay for it; Mac's his own boss.' Welcome guests on these trips, and especially at the feasts held at Fort Washington Station, have been Senator Arthur P. Gorman, Eugene Higgins, and many Southern Democratic leaders."

C. W. Smiley states (pp. 20–22), that Z. V. Harris, a clerk in the Cen-

sus Office, told him that there was an unwarranted amount of intemperance at that station. Smiley did not think that the proceeds from the sale of shad, collected with the Government seine, had ever been turned into the Treasury. Mr. Worth, the superintendent of the station, drinks considerably at times. Whenever he had seen Mr. Worth under the influence of liquor it had been down at that station, or off on some vessel or at some place that was semi-social and semi-business.

Thomas W. Keller (pp. 40–43) states that he had seen Mr. Worth under the influence of liquor on one occasion, so that he was not fit for business. This continued for one day. Mr. Worth had taken some photographic views along the river, and witness knew of his selling them to men belonging to the Commission. As far as Colonel McDonald is concerned, never saw anything that he did but was for the good of the Commission, at Fort Washington or in the office.

Mr. Z. V. Harris (p. 199), a discharged employé of the Commission, states that he had seen Mr. Worth drunk at the station on more than one occasion. One time was in the afternoon, and another very early in the morning. Sometimes Mr. Worth would remain up at his house for two or three days.

TESTIMONY.

S. G. Worth (p. 51) states that he has been superintendent of the Fort Washington station since 1888. The surplus of the receipts from the sale of shad taken in the Government seine during the years 1888, 1889, and 1890 was $41.27. This fund was carried over from year to year by authority of the Commissioner. Meals furnished visitors to the station were paid for by Mr. McDonald and himself from their personal funds. No liquor, wine, cigars, nor other luxuries had ever been purchased out of the receipts from the seine or other Government funds. The sale of intoxicating liquors is prohibited at the station. Had used whisky in a medicinal manner in his family there. Had taken pictures with the Government photographic instrument and sold them, for which he received not over $5. This represented about the actual cost to him for printing, etc. The only occasion on which he could have been accused of having been under the influence of drink was once during April of last year, when he had been up all night, having come to Washington with a launch load of herring, and on returning to the station was exhausted and wet. He was clear headed and not unfitted for business. Drinking at the station was the exception. Whisky is not used there at all as a beverage. Witness submits statement showing receipts and expenditures on account of the seine (p. 347).

W. B. Bayley, P. A. engineer, U. S. Navy (pp. 64–68), detailed for service with the Commission, states that he never saw a drop of liquor at Fort Washington station.

L. G. Harron (pp. 80, 81, 205), captain of seine at Fort Washington, testifies that the statement that liquor was kept at the station and furnished to employés, and sold to outside parties, is a falsehood. He did not think Mr. Worth was addicted to the use of liquor, and had never seen him under its influence. He had served under him 3 years. On the occasion on which it was reported that Mr. Worth was on a spree at his house at Fort Washington witness went to his room and saw him sick in bed. He was taking medicine and did not look like a drunken man.

E. Fitzgerald (p. 85) states that he knew of no liquors having been kept at the Fort Washington station for sale to employés or outsiders

R. E. Lewis (pp. 143–145, 212, 213) stated that he had been detailed to the Fort Washington station during the past spring. The money received from the sales of fish taken in the Government seine is used in paying the seine haulers and other expenses connected with the seine. He had never seen a man under the influence of liquor at the station, and had never seen any sold there except from the Mount Vernon boat. He had never seen Mr. Worth intoxicated nor even take a drink. He took meals at Mr. Worth's house and saw him every day.

Luther B. Cornwall (pp. 193–195) states that he is in the grocery business in South Washington. He sometimes furnished liquor to some of the men at the Fort Washington station, but never sent any to Mr. Worth.

W. E. Stewart (p. 203) states that he sold the fish taken in the Government seine at Fort Washington and returned the money by the person who brought the fish. He had never seen Mr. Worth under the influence of liquor or taste liquor. Had known him for the last two or three years. Judging from the regularity in the arrivals of fish there could not have been much drinking at the station.

Daniel Moore (pp. 213–217) stated that he had been employed at the Fort Washington station during the seasons of 1888, 1889, and 1890. He had seen Colonel McDonald and his friends have planked shad at the station in 1889 and 1890. He had never seen any intoxicating drinks at the station. He had never seen Mr. Worth under the influence of drink nor heard any talk to that effect. If Mr. Worth had been on a spree for 2 or 3 days he would be apt to have known of it. When Mr. McDonald and his friends came down they would bring their own refreshments, servants, etc.

W. T. Cox (pp. 217–219) states that he furnished groceries for the mess at Fort Washington. He considered Mr. Worth a temperate man. He had not furnished Mr. Worth whisky or brandy, but remembered having sent him some Catawba wine, which was said to be for cooking. He had never seen Mr. Worth under the influence of liquor.

Robert F. Joyce (pp. 219–221) states that he is ordnance sergeant stationed at Fort Washington. He had seen Mr. Worth every day during the last two years. Had never seen him take a drink of whisky, nor intoxicated. If Mr. Worth had been at his house for 2 or 3 days on a spree witness would have known it. It is part of his duty to see that liquor is not allowed on the reservation. He had seen one man—a Mr. Blades—intoxicated; understood that he had been discharged. For the line of work they do, the employés of the Commission stationed at Fort Washington are the soberest men he had ever seen. His observation was that the Commission did very little entertaining at the station.

John Smith (pp. 221–224) states that he has been employed as cook at Fort Washington. He had planked shad there for Mr. McDonald and his friends once or twice during the shad season. He had never seen any wine, whisky, or other intoxicating drinks on those occasions. Had never bought any whisky from the *Corcoran* for Mr. Worth or anybody else. Had never seen Mr. Worth take a drink, nor intoxicated. He had never seen or gathered up any empty whisky bottles or demijohns around Mr. Worth's house.

John Paul Baur (p. 224) states that he has been employed by the Commission only during the shad seasons at Fort Washington station. Considered Mr. Worth a temperate man; had never seen anything to make him think otherwise. Was certain that no liquors were kept there for sale to employés. Had known of one employé at the station—

tions. He is assigned as superintendent of Central Station because he is, in my judgment, best qualified for the position."

In reference to the increase of personnel at the station, Mr. McDonald states that he is not certain that there has been any increase, but that it is probably the case. "The work at Central Station has been greatly enlarged and diversified, and would, of course, require an increase of personnel. There are no more employés than are necessary for the work; all are fully employed. My functions as Commissioner are hardly limited to maintaining the *status quo*. The Fish Commission is aggressive and progressive. It is constantly enlarging and extending the sphere of its operations. An organization comprehensive enough to cover the work of 1887 would be entirely inadequate to meet satisfactorily present conditions."

THE AQUARIA.

It is implied in questions presented by Mr. Blaisdell that there has been a diversion of Fish Commission funds on account of the construction of aquaria at Central Station; also that W. P. Seal, an employé of the Commission, is interested in the sale of aquaria in Philadelphia, and that the Commission purchases aquaria from him.

Mr. McDonald (pp. 561, 562), replying to the above, makes the following statements: "Their construction and maintenance is provided for out of the appropriation for the propagation of food fishes, and under authority conveyed by the language of the appropriation, as follows:

For the introduction by the U. S. Fish Commission into, and the increase in, the waters of the United States of food fishes and other useful products of the waters, including lobsters, oysters, and other shell fish, * * * and for such general and miscellaneous expenditures as the Commissioner of Fish and Fisheries may find necessary to the prosecution of his work, including salaries or compensation of all necessary employés, $130,000 (sundry civil act of 1888, 24 Stat. at Large, p. 523).

"I think it desirable that a liberal special appropriation should be made for the establishment of a national aquarium here in Washington under the direction of the Fish Commission. We have our National Museum, the Smithsonian Institution, the Botanic Gardens, the Zoölogical Park, the magnificent contributions of the Government in aid of science, the arts, and general education. To complete and round out this series of magnificent institutions we need an adequate representation of the inhabitants of that 'dim wáter world' which lies beyond common observation and attracts attention and engages interest and study by reason of its mysteries.

"We may have here in Washington an adequate, if not complete, representation of the life of our coast waters, lakes, and rivers, living, and under conditions closely assimilating those of their natural habitat. And the Fish Commission, by means of its facilities for collection and transportation, is already in a position to provide for incidentally the principal item of cost in the maintenance of aquaria after buildings and necessary plant have been provided.

"The present aquaria are merely working tools. They provide for the exhibit of economic fishes, and the result of artificial propagation. They afford the opportunity to study the habits and proper conditions of environment of fishes and of other species which occupy essential relations to them as food or enemies. I consider them important and most useful aids and adjuncts to the work of the Commission. * * * Does not know that any employé of the Fish Commis-

sion is interested in the sale of aquaria in Philadelphia. * * * Mr. Seal, who is superintendent of aquaria at Central Station, was, I believe, engaged in such business prior to entering the Fish Commission. It was the experience gained then, and his faculties of close observation and his qualification as a field naturalist, that led to his being offered his present position in the Fish Commission. Since he became a member of the Commission his services have been given faithfully, continuously, and most successfully to the work assigned him. * * * None of the aquaria are purchased from employés of the Fish Commission. * * * The glass is imported and admitted duty free; the slate and iron frames purchased on competitive bids after careful inquiry, the aquaria put together and all other work done by regular employés of the Commission."

CAR SERVICE, PERSONNEL, SUBSISTENCE, ETC.

IN RESPECT TO CHARGES THAT LIQUORS, CIGARS, ETC., WERE PURCHASED AT GOVERNMENT EXPENSE.

J. E. Brown (pp. 74, 75) states that the crews of the Fish Commission cars furnish their own subsistence. Had no knowledge of any car having been supplied with champagne, wine, or cigars at the expense of the Commission. Would be very likely to know if such had been the case.

G. H. H. Moore, superintendent of distribution (p. 79), testifies that the men on the cars furnish their own subsistence. Did not know of any wines, champagne, or cigars having been furnished the cars at the expense of the Government.

N. W. Simmons, in charge of one of the cars (p. 154), states that the men furnish their own subsistence. The Government does not supply wine or cigars to the cars. Did not know of invited guests on the cars having been furnished wine or cigars at the expense of the Government. If anything of the sort had been done he would have been apt to know it.

L. M. Cornwall, grocer (p. 193), had furnished supplies to the cars. Understood that the rations of the car men were supplied by the mess. The man who had charge of the mess generally paid him in money. Whenever he was paid by Mr. Gill, understood it was charged to the men. Was not in the habit of furnishing liquors or cigars.

W. A. Dunnington, in charge of car (p. 196): "We are supposed to pay our own subsistence." Did not know of any of the cars ever having been furnished cigars, champagne, etc., at Government expense.

W. T. Cox, grocer (p. 218), had furnished supplies to the cars. Understood that the men had a mess and prorated the expense among them.

John Smith, cook on car (p. 223), did not know of any cigars, whisky, or wines having been furnished the cars at the expense of the Government. The men are not in the habit of having liquor on the cars.

M. McDonald (p. 561) states that there has been a large increase in the number of permant employés in the car service. "Prior to my administration the messenger service was carried on only a portion of the year. Only the three car captains appear on the permanent rolls under Professor Baird. Now, the service is practically continuous and the entire force is carried on the permanent rolls of the Commission."

SHIPMENTS OF SHAD FRY.

CHARGES.

Charged by George H. H. Moore, superintendent of distribution (p. 92), that there had been too much crowding of shad fry in the cans sent out from Washington, causing undue loss of fish during transportation. He claimed to have protested against putting so many fry in a can.

Charges specifically that on one occasion 1,474,000 fry were sent out in 20 cans, and on another, 1,500,000 fry in 20 cans, or more than 70,000 to a can, the normal number being 25,000 to a can.

DEDUCTIONS FROM TESTMONY.

Testified by Simmons (p. 155), Steuart (p. 227), both of whom were in the messenger service, and by O'Connor, chief clerk, that the average number of fry that might safely be taken in a can on the ordinary trips was from 25,000 to 30,000, while on the short trips the number might be considerably increased, Mr. Simmons claiming that as many as 50,000 might be so carried.

Dunnington (p. 198) considers that the loss during transportation in 1890 was greater than in previous years, but that the same was not caused by bad management or negligence on the part of employés; probably due to natural causes. Does not think there was any increase in the number of fry to a can this year. More fish could be safely carried on the short southern trips than on long ones.

According to the messenger records (pp. 595–610) the shipments from Washington during the spring of 1890 numbered 28. Two of them were carried between 1,500 and 1,700 miles, the remainder only from 36 to 632 miles, and mainly under 200 miles. The number of fry to a can, with these exceptions, ranged from 20,000 to 38,600. The loss reported as follows: On 8 shipments, nothing; 11 shipments, 3 to 5 per cent.; 6 shipments, 6 to 10 per cent.; 3 shipments, 20 to 40 per cent. The heavy losses are explained below. Omitting those, the showing is a very good one.

The number of fry to a can, the distance traveled, and the per centage of loss on each shipment are explained in the following table:

TABLE.

No. of fry to a can.	Distance traveled.	Loss.	No. of fry to a can.	Distance traveled.	Loss.
	Miles.	*Per ct.*		*Miles.*	
36, 850	320	10	31, 500	412	25
48, 000	554	10	20, 000	1, 648	7½
80, 000		40	30, 000	.....	5
50, 000	36	0	33, 300	48	5
30, 000	360	5	47, 600	62	5
31, 000	106	10	33, 300	62	0
32, 200	88	3	31, 400	148	8
.....	160	0	32, 150	158	5
.....	64	0	31, 200	62	5
.....	148	0	36, 900	1, 848	30
38, 200	184	5	30, 400	148	0
.....	226	0	28, 200	554	5
38, 600	360	5	31, 650	632	20
30, 800	64	6	33, 300	64	0
37, 500	106	5			

It remains to explain the misstatements of Mr. Moore and the cause the heavy losses i three instances.

The charge of Mr. Moore that in one case 1,474,000 and in another 1,500,000 fry were transported in 20 cans is incorrect, as shown by the messenger records which were filed in Mr. Moore's office. In the first case 40 cans were used, and in place of 70,000 fry to the can there were only about 36,000, which were carried 320 miles, with a loss of 10 per cent. In the second case 1,500,000 fry were carried in 30 cans a distance of 36 miles and planted without loss.

As to the heavy losses, the 80,000 fry sent in one of the cans were so carried by instructions of Mr. Moore as an experiment, and the loss was 40 per cent., as might have been expected. (See letter on page 594.) On the remainder of the same shipment the loss was only 10 per cent.

The loss of 25 per cent. on a shipment 412 miles, with only 31,500 fry to a can, is not explained on the messenger report, but the number carried was small.

The loss of 30 per cent. on a shipment of 36,900 fry to a can, made to Georgia, was due to the fact that the baggage car, on which they were being carried, became overcrowded and prevented the proper care of the fish.

The loss of 20 per cent. on 31,650 fry to the can was due to the fact that the fry had been kept a good while at the station, and were sent out in weak condition. They were carried only 632 miles.

REGARDING THE EDITORIAL WORK UNDER T. H. BEAN AND C. W. SMILEY.

CHARGE WAS MADE THAT DR. BEAN WAS DISMISSED FROM THIS WORK BY PROFESSOR BAIRD, IN 1883, FOR CAUSE, AND REINSTATED BY COMMISSIONER M'DONALD IN 1889.

C. W. Smiley (p. 89) states that the work which he had done as editor of publications was given to Dr. Bean, who had been editor under Professor Baird, but who was relieved of this duty about 1883, through dissatisfaction with his work.

T. H. Bean (pp. 44–45) states that he is ichthyologist and editor of publications of the Commission; is also editor of one of the departments of "Forest and Stream," for which he receives $1,500 per annum. Contributes papers to scientific and other journals, but receives no compensation therefor.

G. Brown Goode (p. 657) Assistant Secretary of the Smithsonian Institution, in charge of the U. S. National Museum, states that Dr. Bean is chairman of the committee on publications of the Museum, but does not receive any compensation for this service. "The function of the committee is to pass judgment on all papers which are offered for publication in the proceedings and bulletins and to render professional service as to the manner of publication and style of illustration." The committee was organized in 1886, but since the publications were started in 1878 Dr. Bean has had the controlling voice in regard to them. Is certain that Dr. Bean has been fully competent for twelve years for the discharge of such duties as belong to this position. Knew no one more competent than he to have charge of the publications of the Fish Commission. Thought that the publications of the Commission were less difficult to edit than those of the National Museum.

Replying to the statement made by Mr. Smiley that Dr. Bean had been relieved on account of dissatisfaction with his work, Professor Goode makes the following statement:

"I think the Fish Commission Bulletin was started in 1881. It was modeled upon the lines of the Museum Proceedings, and Professor Baird, knowing of Dr. Bean's work in that connection, asked him to take charge of the bulletin until it was put into proper shape. * * * After the bulletin was fairly started it seemed unnecessary that a man of Dr. Bean's scientific attainments should give his time to the work. * * * Dr. Bean then asked Professor Baird to relieve him of the editorship, to which request Professor Baird acceded. * * * If I am not greatly mistaken, I knew of a letter written by Professor Baird to him in which he expressed his highest appreciation of him and satisfaction with his work. He was not relieved for incompetency or dissatisfaction with his work."

RELATIONS OF FISH COMMISSION TO NATIONAL MUSEUM.

The Baltimore American of June 9, 1890, states that during the administration of Professor Baird, Major Ferguson used the vessels of the Commission principally for the purpose of making deep-sea collections of all forms of life to supply the exhibition cases of the National Museum with material, and that these exhibits were collected by the Commission with money appropriated for the propagation of food fishes; that Mr. McDonald before being allowed to assume the duties of Commissioner solemnly pledged himself to sever all connection with the National Museum; that instead of doing so he is even more than Ferguson under the influence of the Museum, and that the work of scientific inquiry under Mr. McDonald consisted for the most part in collecting specimens of the lower forms of life, brought up in deep-sea dredgings, for the National Museum.

R. Rathbun (pp. 489, 493, 504) states that during the administration of Professor Baird a close relation existed between the scientific branch of the Fish Commission and the National Museum, which proved mutually beneficial. The collections of specimens obtained by the former were transferred directly to the Museum as soon as they were received in Washington, and the laboratories of the Commission were all located in the Museum buildings, greatly to the advancement of the scientific work. While both institutions were under the same head such an arrangement was convenient and judicious, but with the appointment of Mr. McDonald as Fish Commissioner, it seemed best to sever direct relations with the Museum and establish the scientific work upon an independent basis in order that there might not be even a semblance of the one being carried on in the interest of the other. The separation took place immediately, and the official relations now existing between the two are only such as are prescribed by law or custom for the several departments of the Government. The personal relations, however, are both friendly and harmonious.

The collections made by the Commission are retained under its control until they have been studied, when the type series is transferred to the Museum, in accordance with an act of Congress.

Three officers of the Commission hold honorary curatorships in the Museum, but this does not indicate any closer alliance with that institution than exists in the case of the Department of Agriculture, the Geological Survey, the Bureau of Ethnology, and the U. S. Navy, which together supply 12 Museum curators.

G. Brown Goode (pp. 655, 656) states that frequently in 3 months under Professor Baird's administration the Museum received more material from the Commission than it has during the entire period of

McDonald's Commissionership. The Geological Survey, the Bureau of Ethnology, and the Department of Agriculture are in closer relations with the Museum than is the Fish Commission, although the pleasantest relations exist between the latter.

The field work of the Commission is certainly conducted without reference to the Museum, which receives from the Commission the first type series of specimens collected after they have been worked up by specialists. This is required by law, and has been for 40 years.

Three of the Fish Commission employés hold honorary curatorships in the Museum, but receive no compensation whatever from the Museum. The work which they do is as much for the benefit of the department for which they are connected as for the Museum. This custom is practically as old as the Commission. It has not only not interfered with the duties of such employés of the Commission, but has tended to increase their efficiency by affording materials, etc., for study, which the Commission is not in a position to obtain. The Geological Survey furnishes 7 curators, the Bureau of Ethnology 1, the Department of Agriculture 3, the Medical Corps of the Navy 1, the Army 1, etc.

C. A. Steuart (p. 228), an employé of the National Museum, states that for several years he has been connected with the Fish Commission during the season of shad distribution in the spring. Time so occupied was taken out of his annual leave at the Museum. Received no pay from the Commission—only actual traveling expenses. This is an economical arrangement for the Commission.

T. W. Smillie (p. 176), photographer in the National Museum, states that a laborer in the Fish Commission employ works under his direction for the Commission. "He does a small amount of work for the Museum in return for the time that I devote to Fish Commission work." This arrangement has existed since 1882. The work done for the Commission consists of making plans of its stations, buildings, etc. Received no compensation from the Commission since his direct connection with it ceased, about 4 years ago.

THE ALASKA TRIP UNDER DR. T. H. BEAN, IN 1889, IN RESPECT TO WHICH VARIOUS CHARGES ARE MADE.

S. C. Brown (p. 28, 29) states that he had been informed by Dr. Bean that he (Bean) had to borrow money in order to make the trip to Alaska, the appropriation bill not having been passed at the time. Thought it improper to anticipate a Government appropriation. Considered the sending of one of the Commissioner's nephews (who is still a minor) on this trip an evidence of favoritism.

T. H. Bean (pp. 45–48) states that he made a trip to Alaska last year; was accompanied by Livingston Stone, of the U. S. Fish Commission, in charge of the fishcultural department; Franklin Booth, of the University of California, as surveyor; and Robert Lewis, as rodman. Mr. Lewis's work was satisfactorily performed and highly praised by the surveyor. Mr. Lewis, who received $50 per month, worked day and night, and could not be replaced for $100 per month. He also did a good deal of stenographic work, and aided in the collections of fish. He was a very useful all-around man. Outside of salaries the total cost of the trip was less than $1,000. It included 10,000 miles of travel and subsistence for two people. It also included the cost of maintenance of 12 men to the principal salmon rivers in Alaska and subsistence of the party in Alaska and San Francisco. The investigation was ordered by Congress, and he considered it very important in the interest of the

Fish Commission. The investigation was particularly with reference to salmon, but included other fisheries which might become valuable in the same region. The report of this investigation had been submitted to Congress and ordered to be printed. One of the objects of the investigation was to ascertain what facilities existed, and whether there was any necessity, for the establishment of hatcheries in that region.

R. E. Lewis (p. 144) states that he accompanied Dr. Bean on the trip last summer to investigate the salmon fisheries Alaska. He was general assistant to the party; rodman, stenographer, and clerk. His compensation was $40 per month.

M. McDonald (p. 563), in reference to the objects of the trip to Alaska and the assignment of Mr. Lewis as one of the party, states that "this investigation of the salmon fisheries of Alaska was made under the instructions of the last Congress for specific objects. A report of the same has been transmitted to Congress and ordered to be printed. The expenses of the same were paid out of the current appropriations of the fiscal year in which the investigation was made. * * * He [Lewis] was selected, as were other members of the party, viz, because they were available for the assignment and deemed well qualified for the duties they were to perform. The designation of the personnel for such work is entirely within the discretion of the Commissioner."

ANNUAL REPORT FOR 1886.

CHARGES OF EXTRAVAGANCE AND DELAY IN REJECTING A REPORT PREPARED BY C. W. SMILEY AND SUBSTITUTING ANOTHER.

C. W. Smiley (p. 9) states that at no time did the Commissioner find any fault with his work except in connection with the preparation of the annual report for 1886, which the Commissioner said was too voluminous. Mr. McDonald asked him to prepare a Commissioner's report of the last year of Prof. Baird's administration. When the manuscript was ready it was placed in the hands of the printer and put in type, in accordance with instructions from Mr. McDonald, who was then at Wood's Holl, Mass. It made about 125 octavo pages. The report in proof was examined by Mr. McDonald, who said that it was too large, and would have to be cut down one-half. * * * Colonel McDonald directed the Government Printing Office to distribute that type, the whole 125 pages, and he paid them over $200 for having set the type and distributing it again.

"Then he took away from me every trace and vestige of that work and created a new editor, taking very great pains to see that not even a proof of that matter remained in my possession." * * * The report as published covers 67 pages.

TESTIMONY.

Mr. McDonald (pp. 575, 576) respecting the charge that he had subjected the Government to increased expense in rejecting Mr. Smiley's report, says: "I beg to submit estimates by the Public Printer of the cost of printing the report proper as prepared by Mr. Smiley, and of the cost of printing the revised report as issued. Looked at from an economical standpoint, my action resulted in an actual saving to the Government, as shown by the following summary, of $91.08.

Cost of canceled report—had it been printed:		
Composition		$207.29
Press-work, folding, paper		426.77
Electrotyping		41.76
		675.82
Cost of revised report:		
Composition	$112.00	
Press-work, folding, and paper	244.93	
Electrotyping	20.52	
		377.45
Difference		298.37
Deducting cost of composition of canceled report		207.29
We have, as the result of revision, a saving of		91.08

"Considerations of economy alone should not prevail in the issue of Government publications. A report may be in such shape as to make it undesirable to print without close pruning and revision. It may have conspicuous literary defects which require correction. It may contain certain errors of fact, and conclusions based on misapprehension or misinterpretation of facts. These defects characterized the report proper of 1886 as submitted by Mr. Smiley. * * * His report was not fit to be printed. * * * It was in consideration of these that I determined to relieve him from his duties as editor, and to constitute a committee on publications, as provided for in the organization of the Commission formulated by my immediate predecessor, Prof. G. Brown Goode.

"Dr. T. H. Bean, the ichthyologist of the Commission, was designated to take charge of the editorial work, he having the necessary training, experience, and qualifications requisite to perform these duties to the credit of the Commission and the satisfaction of the general public."

J. J. O'Connor (p. 586) states that complaints were very general on the part of those who contributed material for publication in the reports and bulletins of the Commission at the manner in which Smiley garbled it. In the case of scientific papers, prepared by persons competent to write them, complaints were almost universal.

COST OF MR. SMILEY'S OFFICE AND OF DOING THE SAME WORK UNDER PRESENT ARRANGEMENT.

CHARGES BY MR. SMILEY THAT THE PRESENT METHOD IS THE MOST EXTRAVAGANT.

C. W. Smiley (pp. 8–11), who was relieved by Mr. McDonald first of the editorial work and subsequently of the records of the Commission, so that, according to the statement of witness, his duties were about one-fourth or one-fifth the responsibility they were previously, states that the work which he did relative to correspondence was given to a new officer, known as the chief clerk. "But the man was an old employé of the Commission, a mere clerk, a stenographer. * * * There is a considerable increase in the amount of money paid for office work." * * * The number of persons engaged in office work has been considerably increased. "My impression is that the work cost at least a third more after the transfer than before."

M. McDonald (p. 575) submits statement showing cost of office work under Mr. Smiley and cost of same after the transfer, as follows:

"January 1, 1888, just prior to my assuming the duties of Cor sioner, the office of records and publications was constituted as fol

	Ani compe
C. W. Smiley, clerk in charge	
C. W. Scudder, clerk	
H. P. Jerrell, clerk	
Miss J. L. Rockwell, clerk	
C. E. Latimer, clerk	
H. P. Parker, clerk	
Albert J. Stoerzer, messenger	
Total annual salary roll	

"The work of this office at present, July 1, 1890, is distribut follows:

Dr. T. H. Bean, the ichthyologist of the Commission, is discharging the duties of editor with an increased compensation of	
Mr. C. W. Scudder is in charge of the records and correspondence, and also assists in proof-reading, etc. He receives a salary of	
Miss Rockwell is a clerk in his office, receiving	
Albert J. Stoerzer is in charge of stationery and distribution of publications, and receives	
Ebenezer Ellis is acting librarian, receiving a salary of	
Total	

"From this it will be seen that the work performed under Mr. Sn as clerk in charge in 1888, at a cost of $6,720, is, as now distril and assigned, accomplished at an expense of $4,540, being a savin annum of $2,180. At present, moreover, the service is much mor ciently performed than it was under Mr. Smiley."

C. W. Smiley (pp. 18–19) states that he gave out a conside larger amount of stationery the last year he was connected witl Commission than he had given out in any previous year. This tionery was issued on requisitions which came from the chief c office bearing the stamped autograph "M. McDonald." * * * called the attention of Colonel McDonald, both verbally and in wr to what I considered the too bountiful use of stationery." The missioner said that he did not wish him (Smiley) to raise any questi regard to the use of stationery, and witness filled requisition wi question. "I do not want this committee to understand that thi a large matter. It was a comparatively trivial matter, and was fined perhaps to a few hundred dollars worth of stationery." * The establishment of additional stations would lead to an increa the consumption of stationery, * * * "and it would to some e explain the increased expenditure."

TESTIMONY.

Mr. McDonald (pp. 574, 577), in response to the above, testifi follows:

"C. W. Smiley charges extravagance and waste in the use of sta ery. It would be expected that with the addition of new station with the increase of work in all divisions of the Commission would be an increased expenditure for stationery. This has not, ever, been the case. The cost of stationery in—

1886–'87 was	$1,
1887–'88	1,
1888–'89	1,
1889–'90	1,

there having been a steady reduction in cost per annum under my administration. A certified statement of issues, compiled from the records, is herewith appended.

"*Cost of stationery issued from July* 1, 1883, *to June* 30, 1890.

1883-'84	$1,010.95	July 1, 1887, to December 31, 1887	$1,193.09
1884-'85	837.21	January 1, 1888, to June 30, 1888	572.93
1885-'86	1,186.74	1888-'89	1,395.43
1886-'87	1,664.95	1889-'90	1,279.85

"'The above is a true statement, as shown by the stationery account books.

"'JULY 16, 1890. "'CHARLES W. SCUDDER.'

"Now, I desire to state that these records were in Mr. Smiley's immediate charge. It was his official business to know the cost of stationery. He has made a misstatement, when it was his official duty to know the fact."

Mr. McDonald (pp. 577, 578) also submits papers from Mr. Smiley in which the latter denies over his own signature that he had ever even implied any extravagant use of stationery. The papers are as follows:

[Memorandum.]

U. S. COMMISSION OF FISH AND FISHERIES,
Washington, D.C., April 2, 1889.

The COMMISSIONER:

The stationery requisitions herewith represent the minimum purchase supply needed. They are made on the presumption that the Commissioner will carefully protect this office from extravagant demands coming from stations, cars, offices, vessels, etc. Unless such requisitions are carefully pruned prior to approval, it may be expected that requisitions for additional purchases will be made by me.

Respectfully,

C. W. SMILEY.

U. S. COMMISSION OF FISH AND FISHERIES,
Washington, D. C., April 3, 1889.

DEAR SIR: In submitting your requisition for stationery used for quarter ending June 30, 1889 you state in memorandum that stationery requisitions "are made on the presumption that the Commissioner will carefully protect this office from extravagant demands coming from stations, cars, offices, vessels," etc.

In making this statement you imply that extravagant use of stationery has been made by stations, cars, offices, and vessels; and if such be the case I desire to take measures for its correction.

You will please, therefore, indicate to me specifically in what respect and by whom the extravagance has been manifested in respect to the use of stationery.

Very respectfully,

M. MCDONALD,
Commissioner.

C. W. SMILEY, Esq.,
U. S. Fish Commission.

U. S. COMMISSION OF FISH AND FISHERIES,
Washington D. C., April 4, 1889.

DEAR SIR: I am not aware that I have implied any extravagant use of stationery to have been made at stations, cars, offices, or vessels. I therefore regret that I can not comply with your request for detailed information.

Very respectfully,

C. W. SMILEY.

Col. M. MCDONALD,
Commissioner.

MR. SMILEY'S WORK AND OFFICE HOURS.

CHARGES.

Mr. C. W. Smiley charges (pp. 6–13) that he was relieved by Mr McDonald of the most of the work he had under Professor Baird. No dissatisfaction with his work had been expressed by Mr. McDonald. He did not have work from which he could produce fruit, and left the Commission in order that he might work 10 or 15 hours a day in the census.

TESTIMONY.

It is stated by J. J. O'Connor (pp. 586–587), that complaints were being constantly made against Mr. Smiley while in charge of the records by clerks and other employés because they could not procure official information from his office which it was necessary they should have in the conduct of their work. The Commissioner's office was particularly inconvenienced on this account. Witness also testified that Mr. Smiley had stated to him, at the former office of the Commission on Massachusetts avenue, that he did not propose to work overhours in the future, and submitted a letter signed by Mr. Smiley, and addressed to Mr. McDonald, dated January 8, 1889, in which the following statement is made: "You are also aware that under Professor Baird's administration I did a great deal of work myself out of office hours, working after 4 o'clock evenings, and even on Sundays. The latter course I discontinued, however, some time ago."

Charles W. Scudder (p. 620), formerly a clerk under Mr. Smiley, states that when Mr. Smiley had charge of the records it was some times 12 or 1 o'clock when the morning mail reached the Commissioner's office. Mr. Smiley seldom reached the office before 10 o'clock, and it was some times 11. Often letters called for were not found by Mr. Smiley, which interfered with the work of the Commissioner's office. Complaints against Mr. Smiley were very frequent during the last year he was in the Commission.

A. J. Stoerzer (p. 621), who had also been a clerk under Mr. Smiley, testified that the latter usually reached the office about half past 10 or 11 o'clock, some times after that, and remained about 3 or three and a half hours. There was a general expression of dissatisfaction at the manner in which Mr. Smiley discharged his duties.

H. P. Parker, another clerk who had served directly under Mr Smiley, states that the latter generally reached the office about 10 o'clock and remained about 4 hours. He had heard clerks in his division complain about Mr. Smiley's treatment and policy. The witness had sometimes been without work for 2 or 3 hours. He had since been engaged in the division of fisheries, the office of the chief clerk, and with the inspector of stations, and the above was not true in reference to these offices.

In reply to Mr. Smiley's statement that he did not have work from which to produce fruit, Mr. McDonald submits papers (pp. 572, 573) showing that Mr. Smiley neglected to do important work which had been assigned to him.

INCOMPETENCY OF C. W. SCUDDER.

C. W. Smiley (p. 11) states that Mr. Scudder (formerly employed under his direction), who was incompetent to assist in editorial work, proof reading, etc., was transferred to Dr. Bean, and appeared to do considerable of this work. He (Smiley) had not dared allow him responsibility in that line.

C. W. Scudder (pp. 150–153) submits several letters and memoranda from Mr. Smiley to the Commissioner, in which he speaks of Mr. Scudder's efficiency in the very highest terms and recommends advances in his compensation on account of increased efficiency and added responsibility.

TRIP OF COMMISSIONER TO WEST COAST IN 1889.

CHARGES.

By implication of questions pp. 96, 102, 556, that a trip of inspection made by the Commissioner was merely a junketing expedition, and that the son of the Commissioner was taken along for his own pleasure at the expense of the Government.

TESTIMONY.

The party went in a Fish Commission car, which was in charge of Geo. H. H. Moore, and consisted, besides the Commissioner, of Capt. J. W. Collins, in charge of the Division of Fisheries, with his clerk, E. C. Bryan; of the chief clerk, J. J. O'Connor and of Angus McDonald.

Captain Collins was under instructions to make a general examination, and arrange for the systematic and careful study of the fisheries and fishery industries of the west coast, which had not received such attention since 1880. At Leadville he was stopped by a telegram from Mr. R. P. Porter, Superintendent of the Census, which recalled him to Washington, with Mr. Bryan, to consult upon the management of the fishery census of 1890.

The Commissioner, with the remainder of the party, visited the hatching stations, or sites for new stations, at Leadville, Colo.; on the McCloud River, California; at Clackamas, Oregon; Duluth, Minn.; Northville, Mich.; and Sandusky and Put-in-Bay, Ohio; and examined the river basins in several places, including the Yellowstone National Park, where fish had been or were to be planted. The trip was made in the best interests of the public service, and has afforded most beneficial results, enabling the Commissioner to pass intelligently upon the requirements of fish-culture in the Western and Northwestern States. The expenses of the trip were carefully considered and controlled and were duly audited and passed by the Comptroller.

Angus McDonald, the son of the Commissioner, was taken along as a temporary messenger, without pay, the Commissioner preferring to have with him on so long a trip involving both exposure and hardships some one who was near to him and yet fully capable of discharging the required duties.

PUT-IN-BAY STATION, OHIO.

CHARGES MADE RESPECTING CHANGES, ETC., DURING CONSTRUCTION.

Frank Blaisdell (pp. 37, 38) states that during the progress of the construction of the hatchery at Put-in-Bay, Mr. Gay visited the station and induced the Commissioner to have a lot of rock excavated, at a cost of several hundred dollars, and to have the building lowered, which was not only unnecessary, but affected unfavorably the looks of the building. "He (Mr. Gay) has no familiarity at all with construction or engineering matters." Sufficient ground was not at first obtained for the hatchery, and Mr. Gay had to return to Put-in-Bay and arrange for the acquisition of an additional strip.

W. B. Bayley (pp. 65, 68, 69) did not think there was any necessity for lowering the building at Put-in-Bay. This had been done at the recommendation of Mr. Gay, while witness was on leave of absence, and cost about $1,000. Witness thought it would injure the appearance of the structure. It was simply a matter of opinion.

C. E. Gorham (p. 146) did not think that Mr. Gay understood, and did not know that he pretended to understand, architectural work. "He may have some knowledge of construction."

Contracts, specifications, vouchers, etc., relating to the fish hatchery at Put-in-Bay (pp. 354–394).

John Gay, inspector of stations (p. 107), states that he recommended the establishment of the hatchery at Put-in-Bay, Lake Erie, and the Commissioner approved it. Had been engaged in fish matters for 20 years. Built the Pennsylvania State hatchery at Erie while president of the State Commission. At his suggestion the hatchery at Put-in-Bay was lowered. There was a drop from the floor of the hatchery to the pier of about 3½ feet, which would require considerable labor in transferring cans to and from the hatchery. By lowering the building this would be obviated. Did not know what this extra work cost. Thought that the utmost economy and discretion had been used in the expenditures of that station. The land on which the hatchery is located was donated by the citizens of Put-in-Bay.

M. McDonald (p. 551) states that the definite location of the Put-in-Bay hatchery was made by the Commissioner after a careful personal examination of the ground. "All alterations were authorized and approved by the Commissioner upon his own responsibility, knowledge, and requirements of the stations. No alterations were made in the interest of the contractor. Some changes in details of the plans and specifications were necessary owing to the fact that Mr. Blaisdell, the draftsman employed in the office to make the drawings, proved to be ignorant of construction. The roof trusses, for example, were placed over the openings in some cases, and the trusses themselves were made more cumbrous and complex than necessary. All changes made were, however, duly authorized and in all cases the Government interests protected."

LEADVILLE, COLO., STATION.

CHARGES MADE RESPECTING SELECTION OF SITE, CONSTRUCTION OF BUILDING, THE SUPERINTENDENT, HIS ASSISTANTS, ETC.

W. H. Bright (p. 81), who had been relieved from duty as assistant at the station in May, 1890, for insubordination, states that he had been informed that the hatchery building cost $13,000 a year. Told Mr. Robinson it was the worst built house he had ever seen in his life. The

hatchery is built up in the gulch, and it cost $1,300 to bring the water to it. While witness was at the station the men worked about half a day in the week. "The weather was very inclement; the snow was very deep there." E. M. Robinson, the superintendent, was drunk about all the time. Did not think proper care was taken of the building. Did not believe Robinson was a good manager. It would cost $15 to $18 a day for team service collecting fish. Robinson and his assistants would go off and stay all day and come back drunk, with no fish. Witness had never reported this condition of affairs to the Commissioner. The moving and repair of a cabin which witness could have built for $60 cost the Commission $350.

G. H. Moore (p. 94) thought the hatchery was too far from the railroad, the nearest railroad station being Leadville, about 6 miles. Understood that the water supply was very fine, which was an important item in locating a hatchery.

E. C. Bryan (p. 102) states that he had been to the Leadville station when the site was selected. Considered Mr. Robinson, the superintendent, a very sober and upright man. Was with him during the whole summer of 1885, and he was not then in the habit of drinking liquor.

John Gay (pp. 113, 181) states that he located the station at Leadville; was there 3 months last summer. Did not think the statements as to the drunkenness of Mr. Robinson, the superintendent, were true. Considered him a very competent man, and one of the best trout culturists in the Commission. "From the character of work done there Mr. Robinson could not be drunk and do the work he did." Was satisfied with Mr. Robinson's management of the station. Thought Bright was fond of talking, and attached no importance to what he said. The general impression is that the building is first class, and that the contractor lost money. If there was any waste it was not at the cost of the Commission. The amount of the contract for the building was $12,672; the appropriation was $15,000. Some expenditures from this appropriation had been made for preparing plans, advertising, etc. The building had not been received from the contractor, and there were still $2,000 or $2,500 due him.

H. A. Gill (p. 139) states that the appropriation for the erection of the Leadville station was $15,000. Two advertisements for bids were made. The bid received in response to the first advertisement exceeded the appropriation, was considered exorbitant, and was not accepted. In response to the second advertisement three bids were received, that of L. G. Hunt, of Leadville, the lowest bidder, for $12,672, being accepted. The building would be completed within the appropriation, which did not cover the equipment. Knew of no misapplication of funds from one fund to another. Copy of the contract was filed in the office of the Comptroller of the Treasury October 24, 1889. Small expenditures were made before the contract was given, for the survey of the property, the expenses of Mr. Gay going out and examining the station, and the preparation of plans and specifications. There was a deficit of about $300, occasioned by putting up an extra building there, which was done in order to save a year's time in the work.

C. E. Gorham (p. 172) states that he drew the plans for the Colorado hatchery, working out of office hours. There was no agreement concerning payment for the same. Rendered bill for $200, which was considered too large, received $175 for his work. Understood that John Gay said the price was too large; did not consider him competent to judge of such work. Architects are usually allowed 2½ per cent. of the cost of the building for preparing plans, which in this case would have made the bill about $300.

W. P. Seal (p. 192) testifies that he had never seen Mr. Robinson under the influence of liquor; did not believe he was habitually intemperate. Considered him an honost, honorable, energetic public servant. "He is one of the class of men who are rising by their own merits and who encounter the envy of others. Those attempts to damn his character have occurred before in the Commission."

M. McDonald (pp. 550, 569, 580, 583), replying to questions presented by Mr. Blaisdell as to why Mr. Bright was discharged and Lewis transferred from the Colorado station to the Wytheville, Va., station, and as to the experience of Lewis as an expert in fish culture, makes the following statements:

"In regard to Mr. Bright, I will say that W. H. Bright was, upon the recommendation of Senator Teller, on January 14, 1890, appointed an assistant at the Leadville hatchery, Colorado, at a salary of $60 per month. Pursuing the usual policy, it was my desire to constitute the personnel of the station, outside of the superintendent, of citizens of the State. Mr. Bright's appointment was a provisional one; his continuance in the work depended upon the qualifications and fitness he developed, qualities which could only be ascertained by trial. The history of his case from his appointment to his discharge is given in the following letters:

"January 14, 1890, letter of appointment.

"May 10, 1890, letter of E. M. Robinson, superintendent of station, reporting Bright for neglect of duty and insubordination.

"May 16, telegram of Commissioner directing Mr. Robinson to discharge Bright at once and make written report of circumstances.

"May 17, 1890, letter of E. M. Robinson reporting discharge of Bright, etc.

"June 9, 1890, letter of W. H. Bright asking for a personal interview.

"June 11, 1890, letter of commissioner declining a personal interview. Asks him to submit in writing any statements he may have to make, and they will receive careful consideration and investigation. (p. 570–572) * * * "As to Mr. Lewis, I have never received from Mr. Robinson a request for his transfer to another station. In one letter I believe he suggested that he did not think Mr. Lewis physically capable of standing the hardships and inclemency of weather. * * * Mr. Lewis has not been transferred to the Wytheville station. He was ordered there from the Colorado station in charge of a shipment of the native Rocky Mountain (black spotted) trout, which I have sent there for breeders. His services are being utilized there pending an inquiry as to the truth of the charges made against him by Mr. Bright. * * * Mr. Lewis was not sent to the Colorado station as a fish-cultural expert. He had previously been attached to the messenger service, and in this work had acquired a valuable experience in the handling and transfer of fish. The station was being developed in the most inclement season of winter. The work involved exposure and endurance, and was of a character such as to utilize the experience he had acquired in the transportation of fish in the messenger service. The assignment of Mr. Lewis to the Colorado Station was made in the exercise of the discretion vested in me by law as Commissioner of Fish and Fisheries, and with due regard to the best interests of the service. I hardly think it competent for a discharged employé, himself discharged for neglect of duty, incompetence, and insubordination, to call in question the action of the Commissioner in cases where the right and the responsibility of decisions under the law necessarily vests in him and must be controlled by

his judgment. * * * I will add further, that I have intimate personal knowledge of Mr. Robinson's character, of his attainments and qualifications in fish-cultural work; that I consider him, so far as experience and capability to meet emergencies go, as fully the equal of any superintendent we have. He has always been distinguished in his work by his self-consecration and utter fidelity to whatever was put in his charge. He is one of the best men I know. He may have gotten tight once. I think it is very possible that when a man gets 2 miles above the level of the sea, in a climate like that of Colorado, he is apt to become demoralized.

"Mr. Moore, in his testimony, as I understand, being asked as to the Colorado Station, expressed his opinion that it was too far from the railroad, and in reply I respectfully beg to state that Mr. Moore's experience in the Commission does not relate to fish-culture at all; that he has not by knowledge or relation been in a position to determine what is proper or best, either regarding the establishment or development of a station. His function is and his experience has been to take charge of fish as hatched and plant them in waters as instructed. As a matter of fact the station instead of being 6 miles from the railroad is about 3. Outside of that the question of the convenience to a railroad is one of the miror questions connected with the establishment of a station. You must go first of all where you can secure an abundant water supply. If you can secure an abundant water supply by gravity instead of pumping, you have at once eliminated an annual cost of $1,500 in the administration of your station. * * * I took a part of that appropriation and put up an auxiliary building, which was to serve when the station was completed as a nursery for fish, and paid for it out of that appropriation, and consider it a part of the station. * * * That was done with a view of avoiding the loss of a year in the development of the station. It has involved, I think, possibly an excess of appropriation of $200 or $300. I am not sure. * * * I have prepared a little description of the Colorado Station:

"COLORADO STATION.

"*Location.*—After a thorough investigation the location of the Colorado Station was selected in Lake County, near Evergreen Lakes, and about 6 miles west of the city of Leadville.

"*Reservation.*—The Government reservation for the use of the U. S. Fish Commission was created by proclamation of President Harrison, dated April 16, 1889, and consists of 1,935 acres, beginning on the western edge of the Arkansas Valley, and extending to the top of Mount Massive, 14,298 feet above tide-water, so as to include the source of Rock Creek, which is apparently the remains of a glacier, and the largest permanent ice and snow field in Colorado.

"*Construction.*—In order that no time should be lost, it was deemed advisable to erect a temporary hatchery to be used pending the construction of the permanent hatchery, and the work of constructing flumes (741 feet) to bring the water supply by gravity from two springs on the hillside to the hatchery was begun September 9, 1889, and the temporary structure was ready for the reception of eggs about the middle of October. In the meantime 8,000 brook trout, suitable for spawning purposes, were, by permission of Dr. Law, collected from Evergreen Lakes and held in ponds; from these fish 568,000 eggs were taken and placed in the hatching troughs. This temporary hatchery will be useful as a nursery for fry when the station is permanently established.

"*Appropriations.*—Fifteen thousand dollars was appropriated by Congress, and approved March 2, 1889, for the purpose of erecting a hatchery building.

"*Bids.*—Proposals for constructing the hatchery building were invited by advertisements published in Leadville and Denver papers in July, 1889, but as only one bid was received and it being for a sum about equal to the amount appropriated by Congress, it could not be considered, and proposals were advertised for a second time. When the proposals were opened at Washington, D. C., September 20, 1889, Lyman G. Hunt, of Pueblo, Colo., was found to be the lowest bidder, and the contract was awarded him in accordance with his bid, which was $12,672.

"The location of the hatchery was made by the Commissioner after a thorough and careful examination of the ground and consideration of the conditions to be fulfilled in the economical and effective development of the work of trout breeding and rearing assigned to the station.

"The plans for the hatchery were matured by the present Commissioner, and are based upon his experience and knowledge of the requirements of fish-cultural work and the particular conditions to be fulfilled in this case. The detailed plans and specifications, under which the contract for the hatchery building is now being executed, are based upon his studies, and were prepared under his direction by C. E. Gorham. (Copies of plans, specifications, etc., are herewith submitted.) The building is now substantially completed. The plastering and other parts of the interior finish were suspended during the winter and an extension of time granted the contractor in order that the remaining work might be done when there was no risk of damage or deterioration by freezing. The work so far has been well done and in strict accordance with the specifications; 20 per cent. of the contract price has been retained in the hands of the disbursing officer of the Commission as security for the faithful completion of the contract.

"Moreover the bondsmen of Mr. Hunt are responsible and liable for any failure on the part of the contractor. The Government is fully protected in every way. The hatchery when completed will be one of the most substantial and carefully constructed buildings in Colorado, and will be the best equipped and most extensive trout-breeding establishment in the world."

[Extract from "Report of Explorations in Colorado and Utah during the summer of 1889," by David Starr Jordan.]

B. *Arkansas Basin.*—The Arkansas River rises in the mountains to the north of Leadville. It flows southward through a broad park-like valley, grassy in its upper part and becoming arid lower down. This valley is bounded on either side by lofty mountains, with snow banks which are the source of many ice-cold streams. At Salida the river turns abruptly to the east, breaking through the mountains in a deep and rocky cañon, by which it reaches the level of the sage plains, Throughout the region above the cañon the Arkansas is clear and cold, in every way well suited for trout. Placer mining at Leadville and Granite has much reduced the number of fishes in the river by filling the waters with clay, but they still abound in all the tributary streams. Below the cañon the river becomes warmer and more muddy, and no trout are found there, the fauna from Cañon City down being much the same as that of the rivers of Kansas. The fishes of the Arkansas were examined at the following points:

"(1) *Arkansas River and its Lake Fork, near Leadville.*—Seined at a bridge across Lake Fork, between Evergreen Lakes and the village of

Malta, about 3 miles west of Leadville. The river and the Lake Fork are about equal in size and entirely similar in character, flowing with a moderate current through green meadows, shaded by willows, and with occasional deep holes in the bends. The streams are each about 15 feet wide and the bottom is gravelly. The temperature is about 62°. These streams are ideal trout brooks. Trout are very abundant, and with them Rhinichthys dulcis. Species taken at Leadville are marked L in the following list.

"(2) The Evergreen Lakes are a series of trout ponds, wholly or partly artificial, fed by cold streams from the flanks of Mount Massive. One these streams, having its rise in the largest permanent snowfield in Colorado, has been chosen by the U. S. Fish Commission as the site of its hatchery. No better location could be desired."

Mr. McDonald, at the request of Mr. Robinson, submits affidavits as to the latter's habits, and the character and quality of his administration of the work since he has been in the Commission (pp. 580–582). Also contracts, specifications, vouchers, etc., relating to the Leadville station (pp. 394–428).

CHARGES AGAINST THE COMPETENCY OF JOHN GAY, INSPECTOR OF STATIONS, AND TESTIMONY IN HIS FAVOR.

G. H. Moore (p. 96), replying to the question as to Mr. Gay's qualifications as a fish culturist, states: "I do not think he possesses any."

S. P. Bartlett (p. 99) states that he considers Mr. Gay an expert fish culturist as far as he is capable of judging.

John Gay (p. 181) states that the office of inspector of stations was established under the administration of Professor Goode, the salary of the same being $1,500 per annum.

R. Rathbun (p. 170): "I have personally considered him (Mr. Gay) fully competent, and would think that his former experience would fit him especially for that kind of work." Mr. Gay was formerly president of the State fish commission of Pennsylvania.

W. P. Seal (p. 191) states that Mr. Gay was generally considered as one of the most efficient commissioners the State of Pennsylvania ever had. Mr. Gay is considered by the U. S. Fish Commission a thoroughly competent man, of practical business training.

Henry C. Ford (p. 321) states that he had known Mr. Gay 8 or 9 years. He (Mr. Gay) had been president of the Pennsylvania fish commission, and built the State hatcheries at Erie, Allentown, and Corry, Pa. Did not think that Mr. McDonald could have appointed a better man than Mr. Gay to the position to which he had been assigned.

Mr. McDonald (p. 550), replying to the question whether there was such an officer as inspector of stations prior to his administration, states that there was not. "Nor was there such an office as superintendent of distribution. Both were made necessary by the increased economic work and the necessity of better organization. The work of the Commission is comprised under four divisions, as follows: The division of general administration; the division of scientific inquiry; the division of fisheries; the division of fish culture. The routine of the general administration is directed by the chief clerk. The immediate direction of the divisions of scientific inquiry and fisheries is in charge of assistants. The Commissioner has retained direct charge of the division of fish culture, and for the proper administration of the work has appointed a superintendent of distribution and an inspector of stations. This organization is based upon his experience and knowledge of the work, and is necessary for its efficient conduct.

"Colonel Gay was selected as inspector of stations because I had personal knowledge of his qualifications as a fish culturist, and was assured that he had the methodical business training and experience necessary for efficient discharge of the duties of inspector. * * * His duties do not require practical experience as an architect or builder. * * * He has common sense and business experience, which serve a useful purpose in the way of suggestion."

Submits copy of instructions to Mr. Gay at time of his appointment (p. 551).

THE YACHT WAVIE OR PETREL.

IRREGULARITIES CHARGED IN HER PURCHASE.

W. B. Bayley (pp. 66–69), passed assistant engineer, U. S. Navy, detailed for duty with the Fish Commission, submits report made to the Commissioner, setting forth that he had been directed to take steps toward procuring a suitable launch for the shad work the present spring on the Delaware, and subsequently for service on Long Island Sound, in connection with the investigation of the oyster beds. There was not sufficient time to permit the advertising for bids for the construction of a new boat. Being a matter of public exigency, it was decided to purchase the boat in open market, in accordance with the provisions of section 3709, Revised Statutes of the United States. He had a list of over 200 steamboats to select from in New York and Brooklyn, which cities he visited and inspected a number of those which came nearest to the requirements of the Commission. After a careful examination and steam trial he recommended that the yacht *Wavie*, price $3,400, be purchased, which was done. As it was the intention to use the boat in Long Island Sound and in the vicinity of Wood's Holl, Mass., he recommended that the ironwork on the yacht be replaced by material suitable for the service, which cost about $600, making the total cost of the boat $4,000. As the yacht had been built for service in fresh water (and boats of its size generally are) it was necessary to make certain alterations in the ironwork in order to make the boat suitable for service in salt water. "I exercised unusual care in selecting the boat, having a large number to select from. I feel that I can safely testify that the Commission has procured a staunch and efficient steamer for moderate price."

H. A. Gill (p. 137) states that the yacht *Wavie* was not advertised for in the newspapers. It was needed badly and there was not sufficient time to draw plans and specifications and then advertise. Mr. Bayley, the engineer of the Commission, inspected a large number of vessels in New York, and purchased the *Wavie* at private sale for $3,400. Subsequently $352.90 was expended for fitting her up for the work of the Commission. The law provides that when exigencies require the immediate purchase of articles they may be procured in open market, according to methods generally adopted by business men. Understood from Mr. Bayley that he considered he had made a good bargain, and that the price paid was much less than the Commission could have contracted for for a launch of similar construction.

APPARATUS FOR SHIPPING SHAD TO GERMANY.

Frank Blaisdell (p. 36) states that he considered it maladministration on the part of the Commissioner in having incurred expenditures for the purchase of the plant for shipping shad to Germany before arrange-

ments had been made with the steamship company to transport the same. The plant cost several hundred dollars, not so much as a thousand. The steamship company refused to make the shipment. Did not know whether the plant could be used for any other purpose or not. The expenditure would be wasted.

S. G. Worth (p. 57) states that he had been instructed by the Commissioner to prepare the necessary plant for making a shipment of shad to Germany. The labor and material for this work cost not exceeding $250. Steps had been taken early in the season to procure transportation to Germany, but the final decision of the steamboat company, declining to make the desired arrangements, was not received until after the plant had been purchased and prepared. There is a particular time of the year when shipments of shad must be made.

W. B. Bayley (pp. 65–69) states that he had been instructed by the Commissioner to stop in New York on his way to Wood's Holl, Mass., on official business and confer with the authorities of the steamship company in reference to the proposed shipment. The matter was referred by them to the head office in Hamburg. The shipment could not be made after June, as it would then have been impossible to get the eggs. It was therefore necessary to have the apparatus ready by the time a reply would be received from the company. The total cost of the apparatus was less than $300. There seemed to be no reason to anticipate a refusal from the company, for the German Government, which was very much interested in the experiment, had requested that the shipment be made at its expense. The steamship company declined to receive the apparatus on the ground that it would take up too much space. The expenditure was not a loss, as the plant can be used next season.

G. H. H. Moore (pp. 93–97), superintendent of distribution, states that he knew in a general way that an apparatus had been purchased for the shipment of shad to Germany. The cost of the same was properly charged to distribution.

CHARGES REGARDING THE FISH COMMISSION SHAD STATION AT GLOUCESTER, N. J.

G. H. H. Moore (pp. 95–97) testifies that he understood that the hatchery at Gloucester, N. J., had been built by, and at the expense of, Mr. Thompson, who allowed the Fish Commission to occupy it during the shad season. Believed that the location had been selected at the recommendation of John Gay. Thought that the temperature of the water at the station was a little low for best results. The fry hatched out there the present season were so weak that they would not stand transportation.

John Gay (pp. 110–182) states that the building at Gloucester, N. J., which had been used by the U. S. Fish Commission during the shad season the present year, was constructed by W. J. Thompson, the owner of the land on which the structure stands. The construction cost the Government nothing. The equipment, piping, etc., necessary for the shad-hatching work was furnished at the expense of the Commission, and could be transferred at any time to another station. The expense to the Commission of this fitting up the building was $700 or $800. The object of establishing a station there was to secure one of the best points in the United States to obtain shad spawn. The Commission pays $10 a million for the eggs and has nothing to do with the fish. There has been a little difficulty in the hatching during the past season on account

of the low temperature of the water. Water of a higher temperature, however, could be had at a distance of 250 feet. Had never seen any objectionable characters in the hatchery.

Henry C. Ford (pp. 318–321), president of the Pennsylvania Fish Commission, states that he considered the efficiency of the Pennsylvania Commission was due very largely to assistance received from the U. S. Commission. The catch of shad the present year in the Delaware was the largest in 40 years. The estimated value of the Delaware shad fisheries last year was $350,000, while this year it amounted to $800,000. The shad deposited in the headwaters of the Delaware had been transported at the expense of the Pennsylvania Commission. The amount thus saved to the United States Commission would be $800 to $1,000. Considered that the increase in the catch of shad in the Delaware was due to change of policy in the U. S. Fish Commission. The original method was to deposit the fry in the tide water; at present the deposits are made in the headwaters of the river.

Did not think that the steamer *Fish Hawk* was adequate to the needs of the Delaware, and had recommended to Colonel McDonald the establishment of a hatchery on that river. Thought that very good judgment had been used in selecting Gloucester, N. J., as the site for the hatchery. Believed that the U. S. Commission had made a good bargain in accepting the proposition of Mr. W. J. Thompson, who put up the building at his own expense, to turn over the use of the same to the Commission. Understood that the building cost $1,800 to construct. The station is rather remote from any hotel or beer garden. Witness did not think that the hatchery would be visited by objectionable characters.

M. McDonald (p. 551) states that "the station at Gloucester, N. J., does not belong to the United States. It is the property of Mr. ——— Thompson, of Gloucester, N. J., who built it in accordance with plans furnished by the Commission, and furnishes the use of it to the Commission rent free for the period of 5 years, including right of water from the city mains.

"It was a most liberal and public spirited act. He has extensive fishery interests on the Delaware, and expects his compensation by reason of the improvement in the fisheries which will arise from the maintenance of a hatching station there. The cost of fitting up the station was about $1,200. The equipment, however, is movable and available for use elsewhere if desired. Heretofore the work on the Delaware has been done by the *Fish Hawk*, which can be engaged to better advantage in other work. A shore station was a necessity for the continuance of the work on the Delaware."

DIVISION OF SCIENTIFIC INQUIRY.

The only charges directed specifically against this division are contained in the Baltimore American of June 9, 1890, although some insinuations are conveyed by the testimony of S. C. Brown (pp. 26, 27) and in the questions presented by Frank Blaisdell (pp. 560, 561). The following extract from the Baltimore American is all that relates to this matter:

"The first mistakes in the Commission are alleged to have been instituted by T. B. Ferguson, Spencer F. Baird's right-hand man, who is charged with having made the Commission simply an annex to the workshops of the National Museum. Ferguson, it is alleged, under Baird's instructions, used the Commission vessels, the *Fish Hawk* and the

Albatross, continuously for the purpose of making deep-sea collections by means of dredgings of all manner of forms of life, often of a microscopical character, for the purpose of furnishing the exhibition cases of the National Museum with material and providing duplicate sets of the same marine exhibits for the interchange with foreign museums, in order that the Museum cases might in this manner be most richly endowed. All these exhibits of the Museum and duplicates were collected by the Fish Commission with money appropriated for a specific purpose, the propagation of food fishes.

"At Baird's death Ferguson gave way to McDonald, who was already in the Commission. It has been stated that McDonald, before being allowed to assume the duties of his new position, solemnly pledged himself to reform all existing abuses, and particularly to sever all connection with the National Museum, and to conduct the Commission in a manner to preserve it from the dangers that even at that time were beginning to threaten its existence. Hardly had McDonald been established, however, when it was apparent that, instead of breaking away from the Museum people, he was even more than Ferguson under their influence. His first move was to oust Professor Verrill, of Yale, at that time head of the department of scientific inquiry, and to appoint in his place Richard Rathbun, the curator of the National Museum, and a man who, it is claimed, is not sufficiently informed on fish lore. This knowledge of fishes, however, was not required of him; for the work in scientific inquiry under his charge consisted for the most part in the collecting of specimens of the lower forms of life brought up in deep-sea dredgings for the National Museum, their arrangement in exhibits and labeling, the observation of the temperature at which they were found and at which the lower forms of life exist, and the determining of their distribution. This lowering of the scientific work is the more to be deprecated when a full understanding is had of the work that they should legitimately undertake and carry through. Some of the scientific inquiries that should be conducted by the Commission, but which have been utterly neglected, are as follows: To determine the causes of the disappearance of the mackerel and menhaden from the coast; to determine the food required and the steps to be taken to influence favorably the food of the fishes to be propagated; to determine the precise steps in reproduction, in order that steps may be taken to protect the young of the fish by legislative action during the most delicate periods; to determine the effect upon the abundance of the food fishes of the various forms of apparatus used in their capture; to determine the extent to which there is absolute waste through the practice of fishermen in throwing away dead fish; to ascertain what moral influence can be brought to bear upon the fishermen to make them far-sighted in their own interests.

"In taking up the question of scientific inquiry, attention is strongly called to the deplorable failure of the Commission to adequately handle the oyster question. They have done absolutely nothing in this direction. A large sum of money was wasted on the St. Jerome Station, which was ultimately abandoned. The Commission has not even brought to notice the French method of collecting oyster spats. It has made no scientific study of the oyster that will for a moment compare with the work of John Brooks, of Johns Hopkins University, who has undertaken his work without Government subsidy. Money that should have been spent by the Commission on such work as that outlined above has been spent in a manner that it is alleged in the strongest manner will not bear official investigation."

The testimony presented in behalf of Commissioner McDonald refutes all the charges made against the scientific work as now conducted. This can be most satisfactorily shown by a summary of the evidence taken by the committee, after which the several charges will be separately considered.

The Fish Commission was established in 1871 for the specific purpose of conducting a scientific inquiry—the study of certain fishery problems by precise methods of investigation. Under Professor Baird's direction the scientific branch of the Commission attained a high grade of proficiency, both as regards the appliances and the methods of research, but during his lifetime no definite organization was effected and the functions of the scientific work were never clearly defined.

The "division of inquiry respecting food fishes and the fishing grounds" or "scientific inquiry" was first recognized by Commissioner Goode in his classification of the Commission made in 1887, the purpose of this classification being to secure a more efficient and systematic administration of affairs. The division as now constituted dates from that time, having been continued by Commissioner McDonald upon the same basis.

There has been no marked change in the purpose of the scientific work since the death of Professor Baird, but the present Commissioner has clearly stated his policy, has thoroughly organized his forces, and has carefully planned his investigations with the view of obtaining the most direct benefits for the practical fisheries.

FUNCTIONS.

The functions of the division of scientific inquiry as determined by Commissioner McDonald are briefly as follows:

(1) The determination of the existing fishery resources on all the sea coasts of the United States and in the interior waters.

(2) The study of depleted fishing grounds, with the view of determining and instituting measures for restoring the normal conditions of the same.

(3) The study of the natural history of fishes and of their environment in the interests of legislation and of judicious fishery methods.

(4) The study of economic fishes and of water areas in the interests of fish culture, *i. e.*, the maintenance or increase of existing fisheries and the establishment of new fisheries.

(5) The study of the resources of foreign fishing grounds in the interests of treaty making, etc.

(6) Special investigations, chiefly chemical, relative to the preservation, deterioration, etc., of fishing products.

THE WORK ACCOMPLISHED AND IN PROGRESS.

It is difficult to make a just comparison of the work in progress under Mr. McDonald with that accomplished by Professor Baird. The former has been in office only 2½ years, while the latter had 17 years of uninterrupted success. The chief complaints made against Professor Baird during his later years were that his principal surveys had become too general in character; that he was undertaking too much purely scientific work, the application of which to fishery problems was too remote. In view of these criticisms, Mr. McDonald has sought to direct the scientific work in such manner that its results might yield the earliest possible benefits to the important industry in whose interest the Commission is maintained.

When Mr. McDonald became Commissioner the steamer *Albatross* was on her way to San Francisco, and it was then manifestly his duty to utilize that vessel on the Pacific coast. Instead of continuing the same character of natural history surveys, which had been her principal office on the Atlantic coast, Mr. McDonald arranged for the immediate development of the ocean fishing grounds bordering our entire possessions in the North Pacific Ocean. The region selected for this inquiry was the submerged continental plateau extending from San Diego to Puget Sound, and along the coast of Southern Alaska; the large fishing banks of Central Alaska, and the shallow area composing the southeastern part of Bering Sea. Up to the present time the preliminary surveys have been completed between San Diego and Puget Sound, in the central Alaskan region, and in Bering Sea. A part of the reports and maps have already been published, and there is sufficient material now in hand to locate all of our important fishery grounds on the western coast. While the natural history results, aside from those bearing directly upon the fisheries, were only incidental, much valuable material of that character has also been obtained. Such thorough practical work of this nature, on so large a scale, had never been accomplished previously either by the U. S. Fish Commission or by any foreign government. Special surveys have also been made by the *Albatross* with reference to the introduction of oyster culture on the coast of California, and attention has also been paid to the fishing grounds of British Columbia and Mexico.

The steamer *Fish Hawk*, which had formerly been attached to the Wood's Holl Station for dredging purposes during the summer months, was detailed by Mr. McDonald to the investigation of the oyster grounds, an inquiry which had been demanded of the Fish Commission for several years. This work has been carried on during the past three summers in Rhode Island, Connecticut, and New York, and will be continued southward along the coast.

The schooner *Grampus* has made a thorough survey of the southern half of the grouper and red snapper fishing grounds off the west coast of Florida, and during the past two summers has been assigned to the study of the physical characteristics of the waters off the southern coast of New England. No positive conclusions with respect to this latter subject could be deduced from the operations of the steamer *Albatross*, and it became important to know the conditions influencing the abundance, movements, and spawning habits of some of our most valued pelagic fishes, of which the mackerel and menhaden are the most conspicuous.

The Wood's Holl Station not being required as a rendezvous for the vessels previously engaged in natural history work, and for the sorting and study of their collections, has been utilized, so far as scientific inquiry is concerned, for investigations bearing chiefly upon the embryology and life history of fishes, in the interests of fish culture, legislation, etc. Several monographs upon these subjects are now in course of preparation.

The study of the interior waters had been almost entirely neglected under Professor Baird, and the stocking with fishes of the inland lakes and streams had been carried on with only an imperfect knowledge of their physical and biological conditions. The great importance of this branch of inquiry has been recognized by Mr. McDonald, and much progress has already been made in this direction.

The above accounts prove great activity with respect to the first five subjects quoted as belonging within the functions of this division of the

Commission, while under the special investigations may be noted the chemical studies of Prof. W. O. Atwater on the composition and relative value of the different kinds of fishes for food and other purposes.

ORGANIZATION; PERSONNEL.

The Division of Scientific Inquiry was constituted by Commissioner Goode, in November, 1887, with Richard Rathbun as assistant in charge. The organization effected by Mr. Goode has been continued by Mr. McDonald.

The office in which the affairs of the division are administered contains three clerks, all the positions being new ones, called for by the reorganization. One position was filled by transfer from another division, the other two by appointments from outside. The salaries paid are $100, $60, and $50, respectively, being lower than in the regular classified service of the Government.

The Washington laboratory, in which the collections are stored and studied, has one permanent assistant, at $100 per month, but others are urgently needed.

The Wood's Holl laboratory also has one regular assistant, at $100 per month. He is in charge of the laboratory and pays special attention to the study of the embryology and life history of the economic fishes.

The steamer *Albatross* has two naturalists, at $150 and $100, respectively, and one fishery expert, at $100, all being well trained in their profession.

The steamer *Fish Hawk* has also been provided with one scientific assistant, with salary ranging from $60 to $100 per month.

The regular ichthyologist of the Commission, Dr. T. H. Bean, is credited to this division in respect to his scientific work, but for some time past his experience in editorial matters has been utilized in connection with the publications.

The scientific field covered by the operations of the Fish Commission is so wide and so diverse that a permanent corps properly constituted to deal with all the subjects would require the employment of a large number of assistants, which the current appropriations will not permit. In the absence of authority to organize such a personnel, Mr. McDonald has been obliged to follow in the footsteps of Professor Baird, and to depend for many of his investigations upon the assistance of temporory employés and volunteers. The interesting character of many of the subjects has rendered this an easy matter and has enabled him to secure the coöperation of some of the most prominent naturalists and physicists of the country. The following names from among his more active coworkers are a sufficient guaranty of the quality of the scientific researches now being carried on:

Dr. David S. Jordan, president of the University of Indiana.
Prof. Charles H. Gilbert, University of Indiana.
Prof. W. K. Brooks, Johns Hopkins University.
Prof. S. A. Forbes, University of Illinois.
Prof. John A. Ryder, University of Pennsylvania.
Prof. William Libbey, jr., College of New Jersey.
Prof. W. O. Atwater, Wesleyan University.
Prof. Edwin Linton, Washington and Jefferson College.

The manner of the employment varies with circumstances and with the special interests of the individual. In the investigation of the fishes of the interior waters Dr. Jordan has volunteered his services, and or-

ganizes a corps of 6 to 8 assistants each summer upon the same terms. Prof. Charles H. Gilbert has been employed as special ichthyologist on two important cruises of the steamer *Albatross*, lasting from 4 to 6 months each. Prof. William Libbey, jr., with three assistants, all of whom were college professors, conducted the observations on the schooner *Grampus* during the summer of 1889, and similar arrangements have been made for 1890. An extra naturalist has also generally been employed for the oyster investigations of the steamer *Fish Hawk*.

At Wood's Holl the number of temporary assistants under pay during the summer months has been from 4 to 6, and in addition to these several special students have been stationed there without pay. During the summer of 1890 Profs. S. A. Forbes and Edwin Linton are making a thorough investigation of the streams of Yellowstone Park in the interests of the stocking of the streams with new fishes.

RELATION TO THE NATIONAL MUSEUM.

During the administration of Professor Baird a close relationship existed between the scientific branch of the Fish Commission and the National Museum, which proved mutually beneficial. The collections of specimens obtained by the former were transferred directly to the Museum as soon as they were received in Washington and the laboratories of the Commission were all located in the Museum buildings, greatly to the advancement of the scientific work. While both institutions were under the same head such an arrangement was convenient and judicious, but with the appointment of Mr. McDonald as Fish Commissioner it seemed best to sever direct relations with the Museum and establish the scientific work upon an independent basis in order that there might not be even a semblance of the one being carried on in the interest of the other. The separation took place immediately and the official relations now existing between the two are only such as are prescribed by law or custom for the several Departments of the Government. The personal relations, however, are both friendly and harmonious.

The collections made by the Commission are retained under its control until they have been studied, when the type series is transferred to the Museum in accordance with an act of Congress.

Three officers of the Commission hold honorary curatorships in the Museum, but this does not indicate any closer alliance with that institution than exists in the case of the Department of Agriculture, the Geological Survey, the Bureau of Ethnology, and the U. S. Navy, which together supply twelve Museum curators.

EXPENDITURES.

During the past two years Congress has made specific appropriations of $15,000 annually for the division of scientific inquiry. The vessels are maintained and operated on an appropriation of $43,000, of which only a part is applicable to the scientific work, the vessels being used in the interest of all three divisions. Aside from the investigations conducted by the vessels, the limit of expenditure for scientific purposes has, therefore, been $15,000 annually. This is applied to the office and laboratory in Washington, the laboratory at Wood's Holl, the investigation of interior waters, many special investigations, and the preparation of reports, covering salaries, the cost of field work, and all incidental expenses.

The detailed statement of expenditures contained in the testimony shows the specific items for which the appropriation has been expended during the past two years and indicates its economical and judicious outlay. Attention is particularly called to the great reduction in expenses at the Washington and Wood's Holl laboratories under Mr. McDonald, and to the fact that under the present organization the combined salaries of all assistants and clerks in this division are much lower than they were under Professor Baird, while the result shows a decided increase in the amount of work actually accomplished.

ANALYSIS OF THE CHARGES AGAINST THE SCIENTIFIC WORK.

THE BALTIMORE AMERICAN, JUNE 9, 1890.

(1) Charges that before being allowed to assume the duties of his new position McDonald solmenly pledged himself to sever all connections with the National Museum, to reform all abuses, etc.

It is not known that Mr. McDonald made such pledges, but, in fact, he has severed all connections with the National Museum except such as are provided for by law, and has corrected all abuses that may have been supposed to exist under Professor Baird. No abuses in the scientific branch were brought to light by the testimony.

(2) "His first move was to oust Professor Verrill, of Yale, at that time head of the department of scientific inquiry, and to appoint in his place Richard Rathbun, the curator of the National Museum," etc.

Professor Verrill was never at the head of the department of scientific inquiry. Such a department did not exist until established by Commissioner Goode in November, 1887, when Mr. Rathbun was appointed assistant in charge. This appointment was continued by Commissioner McDonald but not made by him. Mr. Rathbun had been a regular assistant in the scientific branch of the Commission since 1878. His curatorship in the National Museum is on a par with those held in same institution by twelve officers of the Department of Agriculture, the Geological Survey, the Bureau of Ethnology, and the U. S. Navy. Professor Verrill did not leave the service of the Commission until August, 1888. He is a professor in Yale College, and has devoted his summers to the field work of the Commission, preparing his natural history reports in leisure time during the remainder of the year. The general dredging work on the northeastern coast, in which he was particularly interested, was discontinued by the transfer of the steamer *Albatross* to the Pacific coast, and of the steamer *Fish Hawk* to the oyster surveys. It is in consequence of these changes that Professor Verrill's connection with the Commission has ceased for the time, with the possibility of its being renewed at a later date. No one has been appointed to take his place or to engage in the studies which he was pursuing. It is not even known that he cares to continue the same work.

(3) "This lowering of the scientific work is the more to be deprecated when a full understanding is had of the work that they would legitimately undertake and carry through." Here follows several suggestions as to inquiries that should be prosecuted, namely:

(*a*) "To determine the causes of the disappearance of the mackerel and menhaden from the coast."

It is not nearly as important to know the causes of the disappearance of these fish as it is the laws governing their migrations and abundance, a knowledge of which might prove a powerful factor in the hands of the fishermen. This inquiry was never thoroughly planned by Pro-

fessor Baird, but has been conscientiously conducted during the past 2 years under the most competent authorities.

(*b*) "To determine the food required, and the steps to be taken, to influence favorably the food of the fishes to be propagated."

No subject has been receiving more careful attention than this one under the administration of Mr. McDonald. The inquiry has related not only to the fishes while in captivity, but also to the water areas which it has been proposed to stock with fish.

(*c*) "To determine the precise steps in reproduction, in order that steps may be taken to protect the young of the fish by legislative action during their most delicate periods."

Reference to the testimony will show that the reputation gained under Professor Baird in respect to the study of the embryology and life history of fishes has been more than sustained under Mr. McDonald.

(*d*) "To determine the effect upon the abundance of the food fishes of the various forms of apparatus used in their capture."

It was in respect to this problem that the Commission secured its first honors.

(*e*) "To determine the extent to which there is absolute waste through the practice of fishermen in throwing away their dead fish."

The relevancy of this question is not understood. It is to be hoped that the dead fish will be thrown where they will not cause sickness among human beings.

(*f*) "To ascertain what moral influence can be brought to bear upon the fishermen to make them farsighted in their own interests."

This subject is rather ecclesiastical than scientific.

(4) The same paper calls attention "to the deplorable failure of the Commission to adaquately handle the oyster question."

This is a gross misrepresentation of the facts. No State has received as much aid from the General Government in this matter as the State of Maryland, which has persistently refused to enact the proper legislation to place the oyster industry on a suitable footing, compared with Connecticut and New York. The Commission is now doing all it can in respect to this fishery, but the area of the oyster grounds along the coast is immense, and it is not to be expected that the entire subject can be exhausted in the course of 2 years.

CHARGES BY S. C. BROWN.

Insinuations in respect to Richard Rathbun and Professor Verrill which have been answered above.

CHARGES BY FRANK BLAISDELL.

Insinuates in questions presented to Commissioner McDonald (pp. 560, 561) that certain statements made by the latter before the Senate Committee on Agriculture respecting the scientific branch of the Commission were not true. "Why do not the names of those who do most of the scientific work of the Fish Commission appear in the Blue Book? Why is it necessary to forward so much of the material collected elsewhere for identification?"

These insinuations have already been anticipated in the foregoing discussion, but we will refer here to the two questions we have quoted. In reply to the first one, it may be stated that the persons referred to

are only in temporary employ or volunteers, and it is not customary to give the names of such persons in the Government Blue Book. The status of those employés and their relations to the Commission have already been explained. As to the second question, it is not strange, in view of the conditions stated, that much of the Fish Commission material should be sent to outside specialists of good repute for identification and study. To have a sufficient staff, regularly attached to the Commission in Washington to cover the wide field of its investigations, would necessitate the employment of at least ten additional assistants. If the Commissioner can have some of this work done outside at no expense to the Government, it is certainly his duty to take advantage of the opportunity.

In support of the administration of Mr. McDonald, in respect to scientific matters, reference should be made to the letters of—

Dr. David S. Jordan.
Prof. W. K. Brooks.
Prof. William Libbey, jr.
Prof. Alexander Agassiz.
Prof. F. P. Putnam.
Mr. Eugene G. Blackford.

Notice should also be taken of the testimony of Prof. G. Brown Goode, Assistant Secretary of the Smithsonian Institution, in charge of the National Museum, who has held important relations with the Fish Commission since 1872, and served as Fish Commissioner from the time of Professor Baird's death until the appointment of Mr. McDonald.

He approves the plan of the scientific work being carried out under McDonald.

Thinks that the results so far accomplished by him will be of the greatest importance.

Commends the experts who have been intrusted with special subjects.

Denies any close relationship or coöperation between the Commission and the National Museum, but states that on the other hand, the Department of Agriculture, the Bureau of Ethnology, and the Geological Survey hold more intimate relations with the Museum than does the Commission.

States that the field work of the Commission goes on without reference to the Museum.

THE DIVISION OF FISHERIES.

As no specific charges against the administration of the affairs of this division have appeared either in the newspapers or in the testimony, it is not deemed necessary to more than mention briefly the fact of the existence of such office, its functions, methods of work, etc.

The machinery of the administration of the affairs of the Commission includes a division of fisheries. This office was organized on May 24, 1888, by the present Commissioner, who at that date appointed Joseph W. Collins as assistant in charge, under whose direction the work is performed.

Previous to the establishment of this division the work now performed by it was intrusted to different individuals or branches of the Commission, the greatest part of which, however, required the personal attention of the Commissioner.

The "inquiry into the decrease of food fishes" requires a statistical investigation of the fisheries, and such investigation is rendered spe-

cially necessary in order that the fish-cultural work of the Commission may be conducted in the most intelligent manner and its effect be fully understood. The data collected also furnish an important basis for legislation upon fishery matters, or for executive action. From the inception of the Commission to the year 1888 this work was provided for by the Commissioner from the appropriation for the general conduct of the Commission, but it grew to such proportions as to make necessary a separate appropriation for this branch of the Commission. In the sundry civil appropriation act for the fiscal year 1888–'89, Congress provided for a "statistical inquiry" into the fisheries, and allotted the sum of $10,000 for the purpose. However, as the functions of the division were, to a certain extent, embodied in the law providing for a "scientific inquiry," the Commissioner ruled that an additional sum of $5,000 from the latter-mentioned inquiry should be devoted to the objects of the work of the Division of Fisheries; in all, making a total of $15,000. For the present fiscal year an appropriation of $20,000 was allotted by Congress, and the objects of the division were fully covered by a new law.

The particular work of the Division of Fisheries is to pursue an inquiry respecting statistics, methods, and relations of the fisheries of the sea, coast, and inland waters. The purpose of the inquiry may be briefly stated as follows:

To ascertain the commercial importance of the fishery industries of the United States.

To study the commercial value of fishing grounds; define the extent and character of inshore fisheries and those in interior waters; to determine their resources, as shown by the catch of various species; the seasons of abundance; the effect of fishing upon the supply of fish.

To study the economic condition of the fishermen; to ascertain their citizenship, nativity, etc.

To study the vessels and boats employed in the fisheries with a view to suggesting improvements that may benefit the fishermen.

To determine the character of the different forms of apparatus of capture, their utility, and effect upon the fisheries.

To study the methods of fishing for the purpose of suggesting improvements or discouraging the use of those which are harmfully destructive or unprofitable.

To investigate the utilization of fishery products, including methods of curing, refrigeration, canning, or otherwise preparing such material for commercial purposes.

To ascertain the means and methods of transportation, by sea and land.

To inquire into the condition and extent of the wholesale fish trade; the sources of supply and the principal lines of distribution.

To study the question of international relations affecting the fisheries.

These peculiar functions devolve upon the Division of Fisheries, and all questions, correspondence, etc., relating to the investigations under its charge are referred to the chief of the division, who is responsible directly to the Commissioner for the proper conduct of the work.

The investigations referred to are prosecuted in several ways. In the first place, experts are sent out whose duty it is to visit fishing communities and, by a careful and systematic inquiry, to secure all knowledge of the subjects that it is practicable to obtain. Fishermen, fish-dealers, curers, manufacturers, and others who have knowledge of fishery matters are interviewed; records are carefully examined, and all available sources of information are utilized with a view to making the inquiry as accurate and comprehensive as possible.

Secondly, through the courtesy of the Treasury Department, by its Customs Bureau and the Bureau of Navigation, are collected statistics of certain vessel fisheries. By this method circulars, requiring answers to certain questions, are sent to all collectors of customs where there are fishing vessels, and these are filled out from information furnished by some responsible person connected with each vessel.

Third, the local agents of the Commission at Boston and Gloucester, Mass., furnish daily, semimonthly, and monthly reports of the fish landed at those places, as well as other useful and important information, including the nativity and nationality of the fishermen, etc.

In addition to these sources and ways of obtaining information, there are a large number of correspondents who voluntarily forward information and data, which is utilized to complete the statistical tables, studying the different phases of the fisheries, etc.

FAVORITISM.—COLLINS'S INFLUENCE IN SECURING CONFIRMATION OF McDONALD.

CHARGES.

Charged (testimony, p. 478) that Collins made an extended trip about the time of McDonald's appointment, working up influence in favor of his confirmation, attending exclusively to that, while his pay continued as in the discharge of his duties.

Collins testified that he was not out of Washington during that time; that the only letter he wrote was to Senator Stockbridge; that he took no time from his duties in working up influence for his confirmation; that all he did was done out of office hours.

Charged (testimony, p. 563), by insinuation, that Collins was giving his official time during August, September, October, November, and December, and was traveling in Massachusetts at that time to secure the confirmation of McDonald. This was during the administrations of Professor Baird and Professor Goode. McDonald was not appointed until the latter part of January, 1888, and during the time above specified McDonald had not been thought of or urged by any one for Commissioner. It was then supposed that Professor Goode might continue in the office.

It is implied in questions submitted by Mr. Blaisdell (pp. 547–549) that Mr. George H. H. Moore, superintendent of distribution, is discharging duties for which Mr. McDonald (formerly chief of the division of distribution) received $2,400 per annum, and for which Mr. Moore receives but $1,800 a year.

Mr. McDonald (pp. 547,'548) makes the following statement: "I held a number of positions under Professor Baird. At the time of his death I was chief of the division of distribution and received a salary of $2,400 per annum. My official title did not, however, define my duties or responsibilities. I was practically in charge of the fishcultural operations of the Fish Commission, propagation as well as distribution; was the superintendent of Central Station, Washington, D. C.; the director of the Wytheville station, in Virginia, and had general control of all the stations, with the exception of Battery Station and St. Jerome's, which were under the immediate direction of the assistant commissioner, and the Wood's Holl Station, which was controlled directly by the Commissioner, Professor Baird. I prepared also the larger part of the correspondence of the Commissioner relating directly or indirectly to fishculture. At the time of the death of Professor Baird I was in Colorado

on a tour of inspection, looking to the establishment of two new stations in the South and West and the better organization and ordering of existing stations.

"When Professor Goode succeeded Professor Baird as Commissioner of Fisheries, he formally constituted a division of fishculture, and I was appointed assistant in charge of the division, with a salary of $2,800 per annum. * * * The salary paid Mr. Moore is fully up to the measure of his responsibilities and duties. He is not chief of a division of distribution such as was defined in a general way under Professor Baird's administration, nor has he the multiple duties and responsibilities that devolved upon the chief of the division of distribution then. He is what his official designation defines him to be, superintendent of distribution, with his duties and responsibilities clearly set forth in his letter of assignment, a copy of which is herewith submitted:

U. S. COMMISSION OF FISH AND FISHERIES,
Washington, D. C., February 20, 1888.

GEORGE H. H. MOORE, *Messenger:*

DEAR SIR: You are hereby assigned to duty as superintendent of distribution, and will have immediate and responsible direction of all that relates to the service of distribution. All requisitions will be made through or by you; all original bills and vouchers for expenditures will be certified or approved by you, and you will be charged with the execution of all details of distribution in accordance with the lists furnished by the office of the division of fish-culture or program directed or approved by the Commissioner.

Respectfully,

M. MCDONALD,
Commissioner.

True copy:
J. J. O'CONNOR,
Chief Clerk.

"He is in immediate charge of the regulation of the car and messenger service of distribution. All applications for fish or eggs, all promises made in regard to stocking public waters, and all assignments made for this purpose, are, after approval by the Commissioner, entered in the records of the office. From these records the lists of distribution are from time to time made up and submitted to the Commissioner. Upon the basis of these lists the general program of distribution is arranged and incorporated in instructions, which are given by the Commissioner verbally or in writing to the superintendent of distribution, who is reponsible for their proper execution. The salary of the superintendent of distribution has been fixed at $1,800, after careful consideration. I do not deem any increase advisable. The office is of the same grade, so far as responsibilities and qualifications are concerned, as is that of superintendent of a first-class hatching station, and receives the same compensation. * * * I think he [Mr. Moore] has shown evidence of dissatisfaction with his position and of jealousy and antagonism to others in the Commission on account of their advancement or promotion, thinking, I presume, that it militated against his own advancement."

H. A. Gill (p. 123): "Colonel McDonald was not merely the superintendent of distribution. He was in general charge of the work of fishculture, which included not only the propagation of fish and the supervision of work of a large number of stations of the Commission, but also that of the distribution of the food fishes. * * * Mr. Moore performs but a part of the work that Colonel McDonald performed."

CHARGES THAT THE HAVRE DE GRACE STATION WAS USED AS A SHOOTING PLACE AND AS A RENDEZVOUS FOR DEMOCRATIC VOTERS.

It is charged in questions asked that the Commissioner used this station for a shooting place for himself and friends, and that Democratic voters have been held there so as to have them on hand for elections.

TESTIMONY.

G. H. H. Moore (p. 79) states that he had never known such things to have occurred. Did not think Mr. McDonald had been in Havre de Grace 12 consecutive hours since witness had known him. The statement that the station was used as a rendezvous for Democratic voters was certainly not true. The majority of the employés at that station are employed only a month or two each spring. No elections take place at that time.

DISTRIBUTION OF INDIGENOUS FISHES OF THE MISSISSIPI VALLEY.

INSINUATIONS AGAINST THE OFFICE AND AGAINST S. P. BARTLETT, IN CHARGE OF THE WORK.

It is implied in questions presented by Mr. Blaisdell that Dr. Bartlett is employed to secure legislation in the interest of the Fish Commission, and that the State of Illinois receives special favors from the Commission.

M. McDonald (pp. 552–554) states: "Dr. Bartlett, designated as agent of the Fish Commission, is in fact superintendent of the collection and distribution of the native food fishes of the Mississippi Valley—a work which was begun tentatively 2 years ago, and which has proved to be one of the most productive and valuable works undertaken by the Commission. It is especially in the interest of the Mississippi Valley States, where it has the warmest recognition and appreciation. This work is so important, that I have thought it best to give it independent organization and administration, and have placed it under the direction of Dr. Bartlett, who was the first, I believe, to inaugurate it, and to demonstrate its value. He receives a salary of $1,800 per annum, and his necessary traveling expenses when engaged on official duty. * * * His trips to Washington are undertaken under orders, in the discharge of his duties. His recent visit to this city was in response to a telegram from the Commissioner, who desired a conference with him in reference to the summer's work. His expenses were paid by the Commission. I desired a conference with him in view of the proposed extension of the work of distributing native fishes. * * * He certainly did not, as the representative of the Commission, or in any official capacity, visit Senators or Representatives in Congress to secure their influence to defeat the bill for the transfer of the Fish Commission to the Department of Agriculture. Dr. Bartlett may be opposed to such a bill; those interested in the fisheries very generally are.

"It was his business to make trips on the cars of the Fish Commission in Illinois and other Western States in the work of distributing fishes. The overflow ponds from which they are collected are in Illinois; thence they are distributed by cars and messengers to the rivers, lakes, and ponds of Ohio, Illinois, Michigan, Indiana, Missouri, Iowa, Kansas, and Nebraska. Within these limits and in pursuance of this work he goes where he finds it necessary, reporting regularly to the Commissioner the progress and incidents of the work.

"The State of Illinois is not selected for any special favors. The work there is carried on in pursuance of the general plan or policy of the Commission. The greater benefits of work in any section inure necessarily to the section in which the work is carried on. In Maine, for example, we have a group of salmon stations. The product of these stations goes largely to stock New England waters.

"The marine work at Gloucester and Wood's Holl, Mass., is necessarily almost entirely in the interests of the coast fisheries of Maine, Massachusetts, and Rhode Island.

"Of the product of the whitefish hatcheries at Duluth, Minn., Northville and Alpena, Mich., and on Lake Erie., the larger proportion, viz, from 60 to 75 per cent., goes to stock the waters of the States in which the work is carried on.

"The same is true of the salmon hatcheries of the west coast at Fort Gaston, Cal., Baird, Cal., and Clackamas, Oregon. The fry produced at these stations are for stocking the Sacramento and Columbia Rivers, and the work is exclusively in the interests of California, Washington, and Oregon.

"The same is true in reference to the shad hatcheries on the Potomac, the Susquehanna, and the Delaware. The product of these goes mainly to stock the waters of those sections in which the work is conducted."

BUSINESS CONDUCT OF THE COMMISSION.

METHODS OF EXPENDITURE.

R. Rathbun (pp. 170, 543) states that the conduct of the Commission and methods of expenditures are more systematic, business-like, and economical than those of any other Government office with which he has been connected. "I have no authority to make any expenditure whatsoever, except upon a requisition signed by the Commissioner, no matter how small the expenditure may be." Bills incurred under authority of such requisitions are certified as correct or otherwise by the person who receives the articles or service required. The bills are then sent to the disbursing agent, by whom vouchers are stated. The vouchers are certified by the employé incurring the expenditure, and then sent to the person in whose favor they have been drawn for signature and return to the disbursing agent, by whom they are handed to the Commissioner for approval, after which the accounts are paid. * * * "In my own division every item of expense passes through my own hands personally. * * * For large purchases bids are always requested from as many persons as possible, and the lowest bidder gets the work." This is a general regulation of the Commission.

J. J. O'Connor (p. 619) states that all supplies of the Commission are purchased on approved requisitions. No employé has the authority to incur a single dollar of expense until he has an approved requisition, except in cases of threatened destruction of public property. The employé has authority under such circumstances to incur a reasonable expenditure to save the property, but he is required to submit at once an emergency requisition to cover the amount. All requisitions involving the expenditure of money go first to the disbursing agent, who certifies as to whether they are in accordance with law, whether there are sufficient funds, etc. They are then sent to the Commissioner for approval. All requisitions of a routine character, for office supplies, etc., are approved by the witness by direction of the Commissioner, those of an unusual character

being approved by the Commissioner personally. Bills incurred under authority of approved requisitions are sent to the disbursing agent, certified by the employé incurring the expenditure that the account is correct. If the account submitted is in accordance with approved requisition on file in the office of the disbursing agent, it is prepared for payment. As a further means of establishing accountability, employés who receive public property are required to forward at once to the property clerk of the Commission a property receipt wherein he is charged with, and accountable for, that property until he is relieved by the Commissioner.

M. McDonald (p. 625), replying to the charge that accounts for expenditures were paid by the disbursing officer without the autograph signature of the Commissioner approving the same, states that this has not been done in a single instance. "The autograph stamp is only used for requisitions asking authority to incur expenditures which are already authorized under general regulations or covered by instructions issued by the Commissioner from time to time."

Mr. McDonald also submits letters from the chief clerk and the disbursing agent of the Commission denying most emphatically that vouchers involving the expenditure of money had in a single instance been paid on the autograph signature of the Commissioner.

S. P. Bartlett (p. 100) states that he had never seen anything that looked like extravagance in the Commission. All accounts are carefully scrutinized.

John Gay (p. 112) states that he has no criticisms to make of the present administration.

M. M. Snell (pp. 209–211) states that Mr. McDonald being a specialist in propagation of fish, that branch of the work received greater attention after he became Commissioner than during Professor Baird's administration. Did not think there was impaired efficiency in other branches of the work on this account. Considered Mr. Rathbun, who is in charge of Scientific Inquiry, a perfectly competent man. "I do not know of any department of the Government, so far as my knowledge goes, where everything has been conducted on a more strictly business principle than there."

H. C. Ford (p. 323) states that he thinks the Commission is conducted in a very energetic and capable manner under Mr. McDonald; believed Mr. McDonald to be a more practical man than the late Professor Baird, but did not think the scientific branch of the work suffered on this account.

W. R. Sauerhoff (p. 149) states that so far as he has been able to observe, the management of the affairs of the Commission has been very systematic.

J. E. Brown (p. 195) states that the purpose of the Commissioner is to have things done in a businesslike manner; thought there had been a great improvement in the general conduct of the Commission under Mr. McDonald.

E. Fitzgerald (p. 86) considered that the affairs of the Commission were properly managed.

H. A. Gill (p. 134) states that he is disbursing agent and auditor of the Commission, under a bond of $25,000. The disbursements aggregate about $350,000 a year, which are made in small amounts, covering twenty-odd stations, three vessels, three cars, and at certain seasons of the year a large number of temporary employés. Has three assistants, receiving, respectively, $1,500, $1,080, and $600 per annum. All of the accounts of the Commission are examined by him, and the majority of them stated in his office. The total annual cost of the office is about $6,000.

W. B. Bayley (pp. 69–70) states that the Waters boiler was purchased by him for the Commission from Mr. Waters, of New York, because it was considered to be the best for the special purpose for which it was required. Whenever any transaction was had with Mr. Waters it was in the best interests of the Commission.

Prof. G. Brown Goode (p. 634) states that during the lifetime of Professor Baird there was no definite organization of the Commission, every detail of the work being directed by Professor Baird personally. Some time before his death a committee of three of the best men in the Commission was appointed by Professor Baird to prepare certain regulations embodying an organization of the Commission. The report of the committee was submitted to Professor Baird, and had his approval, but before it could be put into effect Professor Baird died. Mr. Goode, soon after his appointment as Commissioner of Fisheries, adopted the proposed organization, which provided for four divisions of the service, namely: Administration, relating to the Commissioner's office; Scientific Inquiry; Statistics of the Fisheries; and Fish Culture. This arrangement represents the natural subdivisions or branches of the work with which the Commission is charged. The object of making this organization was to promote the efficiency of the service and put it upon a thoroughly practical business basis. The same organization has been continued by Mr. McDonald, and witness considers that he was justified in so doing. The system of organization meets all the requirements of the Commission, and it would be difficult to improve upon it. It is as follows:

[Circular Order No. 2.]

U. S. COMMISSION OF FISH AND FISHERIES.

The provisional regulations of the U. S. Commission of Fish and Fisheries, which are a part of this circular order, are published for the information and guidance of the employés of the Commission.

They comprise so much of the "Regulations for the government of the U. S. Commission of Fish and Fisheries," prepared by a board appointed by the late Commissioner, as relates to the general plan of organization of the Commission, and to the general duties of its employés, with the omission of those details of the organization as to which the policy of the Commissioner is not yet settled, and with some other slight modifications.

It was the intention of the late Commissioner, had his failing health permitted, to consider further the details of these regulations, and especially the provisions of law governing the acquisition and disposal of the property of the Government, before putting them finally into force.

Pending the publication of a complete body of regulations, these provisional regulations will be regarded as the internal law of the Commission, and will be obeyed accordingly.

PROVISIONAL REGULATIONS OF THE U. S. COMMISSION OF FISH AND FISHERIES.

ORIGIN.

1. The Commission exists by virtue of the following provision of law:

"There shall be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employees of the Government, a Commissioner of Fish and Fisheries, who shall be a person of proved scientific and practical acquaintance with the fishes of the coast, and who shall serve without additional salary."—(Act approved Feb. 9, 1871; Revised Statutes, 1878, Sec. 4395.)

2. It is further provided by law that: "The Commissioner of Fish and Fisheries is hereby authorized to designate, from the employees of the Commission, an assistant, to discharge his duties in case of his absence or disability: *Provided*, That no increase of pay shall be granted in consequence of such selection."—(Act approved March 3, 1883; Statutes at Large, vol. 22, page 628.)

3. And that "the assistant to the United States Fish Commissioner authorized by the act of March 3, 1883, (Statutes-at-Large, vol. 22, page 628,) shall hereafter be designated as assistant commissioner."—(Act approved March 3, 1885; Statutes-at-Large, vol. 23, p. 450.)

PURPOSE.

4. The purpose of the Commission as defined by the original law by which it was created is to "prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food fishes of the coast and the lakes of the United States has taken place; and, if so, to what cause the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises."—(Act approved Feb. 9, 1871 Revised Statutes, 1378, Sec. 4396.)

5. To this end the heads of the several Executive Departments are required to "cause to be rendered all necessary and practicable aid to the Commissioner in the prosecution of his investigations and inquiries." (Sec. 4397.) And the Commissioner is permitted to "take or cause to be taken at all times, in the waters of the sea-coast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any State to the contrary notwithstanding."—(Same act, Sec. 4398.)

6. The scope of the Commission has subsequently been extended from time to time by acts of Congress, as follows:

7. "For the introduction of shad into the waters of the Pacific States, the Gulf States, and of the Mississippi Valley, and of salmon, whitefish, and other useful food-fishes into the waters of the United States to which they are best adapted."—(Act adopted June 10, 1872; Statutes-at-Large, vol. xvii, p. 350.)

8. "For the introduction of shad into the waters of the Pacific, the Atlantic, the Gulf and Great Lake States, and of salmon, whitefish, carp, gourami, and other useful food-fishes, into the waters of the United States generally to which they are best adapted; also for the propagation of cod, herring, mackerel, halibut, and other sea fishes," etc.—(Act approved March 3, 1879; Statutes-at-Large, vol. xx, p. 383.)

9. "For collecting statistics of the sea-coast and lake fisheries of the United States, especially those covered by the Washington treaty of eighteen hundred and seventy-one."—(Act approved March 3, 1879; Statutes-at-Large, vol. xx, p. 383.)

10. The propagation of fresh-water herring was specifically mentioned an act approved June 16, 1880 (Statutes-at-Large, vol. xxi, p. 264); of Spanish mackerel, in act approved March 3, 1881 (Statutes-at-Large, vol. xxi, p. 440); of oysters and other shellfish, in act approved August 7, 1882 (Statutes-at-Large, vol. xxii, p. 331); and of lobsters, in act approved July 7, 1884 (Statutes-at-Large, vol. xxiii, p. 205).

ORGANIZATION.

11. The Commissioner will control the general policy of the Commission. His immediate staff and the routine of his office will be such as he shall specify.

12. The operations of the Commission arrange themselves naturally under the four following Divisions:

I. Administration;
II. Scientific Inquiry;
III. Statistical Inquiry;
IV. Fish Culture.

To one of these four divisions all employees now or hereafter to be appointed will be assigned by the Commissioner.

I.

13. The Division of Administration will comprise:

a. The office of the Commissioner;
b. The office of accounts;
c. The office of property;
d. The office of records and publications.

14. The office of the Commissioner will be the office of general control and direction of the affairs of the Commission.

15. The office of accounts will be in charge of the disbursing agent.

16. The office of property will be in charge of the property clerk. In this office will be kept a full record of all property of the Commission, with the exception of pecimens, records, and books.

17. The office of records and publications will be in charge of the record clerk. In this office will be kept the official records, and through it the publications of the Commission will be distributed and accounted for.

18. The record clerk will have charge of all reports and papers approved for publication by the Commissioner which are not otherwise provided for.

19. He will keep a full record of the plates or cuts for illustration of the publications of the Commission, and make an annual report of the same for the information of the Commissioner.

20. A committee on publications will be appointed by the Commissioner, to which will be referred for final action all matter presented for publication. The secretary of the committee will act as editor, and it shall be his duty to see that the manuscript presented for publication is in proper form for printing; to edit the same during its passage through the press; and to satisfy himself that the proofs are properly examined, either by the authors of the papers, or in their absence by persons skilled in the subjects of which the papers treat.

II.

21. The division of scientific inquiry will be under the immediate control of a person of proved scientific ability, who will be entitled assistant in charge of scientific inquiry, and who will direct and apportion the scientific and other researches intrusted to him by the Commissioner, determine the methods and means to be employed, receive and examine the reports of the investigators appointed, and generally direct and co-ordinate the original researches and scientific observations of the Commission in the interests of economy and unity of action. He will be directly responsible to the Commissioner for the accuracy and value of the results presented.

22. To this division will be assigned:

a. Collaborators in scientific research;

b. Persons employed in special investigations and experiments of a practical character;

c. Volunteer aids and persons detailed by other branches of the Government to assist in scientific research, under the orders of the Commissioner; and such clerks and laborers as may be necessary.

23. To this division belong the "investigations and inquiries" concerning the supply of food fishes of the seacoast and lakes of the United States contemplated by the act creating the Commission. (See par. 4.)

24. The assistant in charge will receive and examine all reports submitted by persons engaged in original research, under direction of the Commission, and all correspondence upon subjects relating to the business of his division which may be referred to him by the Commissioner. When such correspondence calls for new investigations, he will designate to the Commissioner the person or persons to whom the work should be assigned, and, when necessary, furnish estimates of the probable cost, both as to time and materials required.

25. He will keep himself informed as to the progress of the work under his direction, either by correspondence or by personal inspection, for which latter he may from time to time request the authority of the Commissioner.

26. In his annual reports he will present a detailed account of the operations of his division for the year past, embodying such reports or parts of reports from his subordinates and collaborators as he recommends for publication; statements of the cost of the work of his division for the year and of the results accomplished; and his recommendations as to the operations for the year to ensue. These recommendations will be accompanied by estimates of the amount and character of the work which may reasonably be expected, the number of assistants and quantity of new apparatus required, and the probable cost in detail of each item.

27. Specialists in scientific research, or aids who are in the permanent employ of the Commission, may be given charge of subdivisions of its work or of stations for investigation. Those so detailed and persons temporarily employed for special investigation will, so far as responsibility for property and the official business of the Commission is concerned, conform to the regulations established for superintendents of stations and for persons in separate charge. The details and methods of the work itself will be specified in each case by the assistant in charge of the division.

III.

28. Division of Statistical Inquiry. The organization of this division will be defined hereafter by a circular order.

IV.

29. The Division of Fish Culture will be under the immediate control of an assistant appointed by the Commissioner, who will be entitled assistant in charge of fish culture, and will have the general direction of hatching and distributing stations, of railway cars, launches, and other vessels employed in the hatching and distribution of fishes and of their eggs, and of the superintendents and other employés connected with this part of the work of the Commission. He will receive and examine the reports of the superintendents of stations, and will be directly responsible to the Commissioner for the efficiency and economy of the work of his division.

30. To this division will be assigned:

a. Superintendents of stations;

b. Spawn-takers and other persons employed in fish culture;

c. Messengers in charge of fish cars, and the necessary clerks, attendants, and laborers.

31. The assistant in charge will keep himself fully informed as to the work done at the different stations, the results obtained, and the expenditures incurred, and will, from time to time, with the authority of the Commissioner, make or direct personal inspection of the stations in order that he may be prepared to present to the Commissioner such recommendations as will develop and expand the practical work of the Commission, promote efficiency, and control expenditures.

32. In addition to the officials above named, who are in the pay of the Commission, there are, under the orders of the Commissioner:

a. Officers and enlisted men of the Navy, detailed for service in the vessels of the Commission;

b. Officers and enlisted men of the Navy, detailed for shore duty, under the orders of the Commissioner;

c. Officers and enlisted men of the Navy, temporarily detailed to aid in scientific research with the Commission, either afloat or ashore.

GENERAL INSTRUCTIONS.

33. All persons connected with the Commission are expected to be familiar with its regulations and circular orders and to render cheerful obedience to their superiors for the time being and a hearty coöperation with the purposes of the Commission.

34. The Commissioner may, by circular order, assign to a single person the duties of two or more of the subdivisions of the operations of the Commission hereinbefore defined.

35. Superintendents of stations and all employés acting independently will keep a daily journal of the operations of their stations or parties, noting therein the character of the work performed, the receipt or issue of property, official correspondence, the approval or certification of bills, the movements of subordinates, and all matters of importance connected with their work. This daily journal, being independent of note-books, property records, or letter books, and intended to serve as a running index to the operations of the station or party to which it refers, is to be kept with brevity, omitting details which properly belong to other records.

36. Matters or events which appear to be of especial interest should be reported at once, through the regular channel, to the assistant in charge of division.

37. The orders of assistants in charge of divisions, employés in charge of office, superintendents of stations, or persons in charge of parties, must be obeyed whether approved by the subordinate receiving such orders or not. In case of difference of opinion, however, the subordinate may demand that the order be issued in writing, and, if the circumstances appear to him to justify such action, may remonstrate in writing to the assistant in charge of his division, through the regular official channel. (See § 47.) If, after a reasonable delay, there be no reply to his remonstrance, he may address a copy directly to the Commissioner, it being understood that trivial or unreasonable remonstrances or complaints will be regarded as serious acts of insubordination. In no case will the fact that a remonstrance or complant has been forwarded be considered as a valid excuse for delay or failure to obey an order issued by lawful authority.

38. Original bills or vouchers for property purchased will not be certified for payment by the assistant in charge of division unless accompanied by satisfactory evidence that the property has been received and duly accounted for to the property office, and that the purchase has been authorized by the Commissioner.

39. Requisitions which are not in official form will be returned for correction by the assistants in charge of divisions to the persons sending the same; and they will not be submitted to the Commissioner for approval until the rules governing requisitions shall have been strictly complied with.

DAILY DUTIES.

40. The following are regular daily duties of employés charged with separate responsibility:

a. Enter changes in daily record of property, according to the prescribed form, at the time of their occurrence.
b. Answer and file letters received and copy the replies (in letter book).
c. File receipts, invoices, and approved requisitions.
d. File unsettled bills and duplicates of bills forwarded to office of accounts.
e. Enter details of the day's work in note book.
f. Write up daily journal.

41. The note book referred to under "e" is to be the record of the details of the daily work of the station, office, or party, and is to be kept with sufficient fullness to enable the writer to furnish, on demand, a statement of the methods pursued in the work under his direction. The mode of entry must necessarily vary with the kind of work done, but it is recommended that, for uniformity, all note books shall be of uniform size, and of a prescribed standard. Such books will be issued on properly approved requisition.

MONTHLY DUTIES.

42. a. Before the end of each month all persons who have made purchases on behalf of the Commission will forward to the office of accounts the original bills for such purchases, endorsed with their certificates to their correctness. Whenever possible it is desirable that duplicate bills shall be procured from the seller, so that one copy may be retained, for future reference, in the files of the station or party purchasing.

b. Sign and certify to monthly pay-rolls of employés.
c. Fill and forward statement of leaves granted during the month.

ANNUAL DUTIES.

43. Make out and forward annual report, including a summary statement of the work for the year; reports of special researches or experiments of importance; a list of employés and report of changes in the force during the year; statement of leaves granted during the year; recommendations regarding the operations for the year to ensue, including estimates of probable expenditures required, and recommendations as to changes in the force and material considered to be desirable.

CORRESPONDENCE.

44. Official correspondence is such as relates to the business of the Commission.

45. Official letters shall be written upon letter paper not exceeding 8 x 10 inches, so that when folded twice it will be contained by one of the regular official envelopes of the Commission.

46. The "penalty envelope" (to be procured by all authorized persons, upon requisition, from the office of records and publications) shall never be used without a postage stamp when private or personal matter of any kind is introduced into an official letter.

47. All official correspondence must be forwarded through the regular channel, that is, through the hands of the official of the Commission next superior to the writer. Letters not addressed to the next superior shall be forwarded unsealed, and the official receiving them shall endorse them either "Forwarded," "Approved and forwarded," or with such comments as the interests of the service may appear to demand.

48. Official communications from superiors to subordinates will be subject inversely to the same rule of transmission.

49. When an official letter forwarded through the regular channel remains unanswered after a reasonable delay, the writer may, if he thinks that the interests of the service so require, forward a copy directly to the person addressed by the original letter, stating the facts and his reasons for so doing.

50. It is expected that copies of all official letters will be kept by their writers and that files of letters received will be preserved.

51. All official correspondence by employés of the Commission serving on shipboard relating to the work of the ship must be forwarded through the commanding officer.

CIRCULAR ORDERS.

52. There is no provision of law for the exercise of authority in the Commission by any person other than the Commissioner. When it becomes necessary that the Commissioner shall delegate authority to any person in the Commission, whether it be

for general purposes (as in the case of assistants in charge of divisions or stations) or for specific purposes, the same will be announced in a circular order, of which one copy shall be communicated to each of the persons attached to the station or concerned in the duty affected, one copy furnished to each assistant in charge of division and superintendent of station, and one copy filed in the Commissioner's office.

53. Such circular orders will be numbered consecutively, will state specifically the nature and extent of the authority delegated, and, when they relate to special duty, the duration of its continuance.

54. Circular orders will be issued in relation to the following subjects:

a. Changes in or additions to the regulations.
b. Instructions affecting the general policy of the Commission.
c. Delegations of authority by the Commissioner to subordinates affecting others than the persons designated.
d. Appointments to the office of assistant in charge of division or office, superintendent of station, or to the charge of an independent station or party.
e. Appointment of inspector or board of survey.

INSPECTION AND BOARDS.

55. Annually, or more frequently in the discretion of the Commissioner, an inspection of each station will be provided for by a circular order.

56. The report of the inspector will relate to the following subjects:

a. Mode of keeping the property record.
b. Condition of property and precautions for its care and preservation.
c. Condition of property reported as unserviceable or for repair.
d. Completeness of the records and file of circular orders.
e. The needs of the station of whatever kind.

57. The report of the inspector shall be forwarded in writing, directly to the Commissioner, within ten days from the completion of the inspection.

58. Boards of survey upon property will consist of not less than two persons, and will examine and report upon the property in question according to prescribed form.

59. When it is decided to order an examination of candidates for an employment in the Commission, which is exempted by law from the operation of the civil-service rules, the Commissioner will detail a board for the purpose, made up of employés of the Commission, one of the members of which shall be a person skilled in the duties of the position to be filled.

60. Special orders will relate to the movements or duties of individuals when only the person ordered is affected. Special orders need not be numbered consecutively or communicated to others than the person addressed.

LEAVES OF ABSENCE.

61. No employé shall absent himself from duty except on Sundays and legal holidays without permission from his official superior. In case of sickness or unexpected detention notice must be promptly sent by the employé so detained to his superior, stating the cause and probable duration of his absence.

62. Persons absent on account of sickness will furnish physicians' certificates or other evidence satisfactory to their official superiors that the absence is necessary.

63. Assistants in charge of division, persons in charge of office, and superintendents of station are authorized to verbally grant leaves of absence not exceeding one day in duration to persons under their direction. They may also grant leaves of absence not exceeding two and one-half days in any calendar month, but will give the authority in writing and forward a copy to the Commissioner. Such leaves shall not be granted to the detriment of the work of the Commission except in very urgent cases. All applications for leave exceeding two and one-half days at a time shall be referred to the Commissioner for his approval.

64. A record of leaves granted will be kept in the office of accounts.

APPOINTMENTS.

65. All appointments of employés will be made by the Commissioner, and will be subject to the rules established for the "Regulation and Improvement of the Executive Civil Service," in so far as those rules are applicable to the Commission.

66. Employés whose duties are exclusively professional are exempted from examination by the Civil-Service rules. The Commissioner may, however, in his discretion, either request the special certification of candidates for such employment from the Civil Service Commission, as provided by Rule VII, par. 5, or direct an examination as to the fitness of the candidates by a board composed of employés of the Commission.

67. In addition to the necessary professional tests, every such examination by a board of employés of the Commission shall exact at least the minimum requirements of the civil service rules respecting general examinations. (Rules VII.)

68. Candidates presenting evidence, by publication of original researches, or diplomas, or certificates from scientific or technical schools of good standing, indicating that they are properly qualified in the professional branches required, may be exempted from examination, at the discretion of the Commissioner.

G. BROWN GOODE,
Commissioner.

Nov. 1, 1887.

TESTIMONY IN FAVOR OF MR. M'DONALD PERSONALLY AND OFFICIALLY.

Geo. H. H. Moore (p. 80) states that he would defer to Mr. McDonald's judgment in the management of the affairs of the Commission. "I think too much of Colonel McDonald to criticise him in any way unjustly."

L. G. Harron (pp. 81, 206): "As far as I know, Colonel McDonald is about as conscientious a man as there is in public life to-day. He is perfectly competent for the position of Fish Commissioner."

C. E. Gorham (p. 147) had no criticism to make of Mr. McDonald's administration. "I consider Colonel McDonald to be an efficient and honest officer of the Government."

J. P. Wilson (p. 165) states that Mr. McDonald had had a great deal of experience in the work of the Commission before he was appointed Commissioner. Some people thought he was too enthusiastic in his work. Did not think any just criticisms could be made against Mr. McDonald's administration.

R. Rathbun (p. 171) considers Mr. McDonald the best-fitted man in the country for the office of Fish Commissioner.

H. Quinn (p. 203) understood that Mr. McDonald's reputation as a fishculturist was excellent. Had no doubt that he was one of the best in the country.

W. E. Stewart (p. 204) states that the reputation of Mr. McDonald as a fish culturist is first rate. Had never heard him spoken of otherwise. Witness has been in the fish business all his life.

H. C. Ford (p. 323) states that he has kept himself informed in regard to the work of the Fish Commission in the United States, and thought that it had been conducted in a very energetic and capable manner. Had seen a very great expansion of the work since Mr. McDonald became Commissioner.

J. J. O'Connor (pp. 589, 591), in answer to the statement made by Mr. Smiley that Mr. McDonald was a weak man and yielded to solicitation, testifies that Mr. Smiley had been in the habit of speaking disrespectfully and disparagingly of both Professor Baird and Professor Goode when they occupied the position of Fish Commissioner, and that it was perfectly natural that he should speak in the same manner about Mr. McDonald.

Mr. Smiley's statement that Mr. McDonald had been in a condition of continued nervous prostration during the past 2 years, which unfitted him for the duties of the office, witness considers a most malicious falsehood. Having served directly under Mr. McDonald for about 8 years, and having traveled with him for periods of from 1 to 3 months, witness had had opportunities for observing the general condition of Mr. McDonald's health, and believed it had been better during the past 2 years than during any previous time since he became acquainted with Mr. McDonald. This belief had been confirmed by statements of Mr. McDonald.

Witness submits letter written to Mr. Smiley, dated January 22, 1889, in which Mr. McDonald states:

"The Commissioner is glad to assure you that he does not consider his health in an imperfect or dangerous condition. He is fully equal to the discharge of all his official responsibilities; nor does he propose either to delegate them or permit their assumption by others."

C. W. Smiley (p. 578), in a letter to Mr. McDonald, dated July 4, 1888, makes the following statement:

* * * "I may improve this opportunity, perhaps, to tell you how exceedingly I am gratified with your management of Fish Commission affairs. It has improved upon the highest expectations. Last evening one of Dr. Kidder's supporters admitted that the Commission is in far better hands than it would have been had the Doctor been appointed.

"Colonel, you appear almost like a new man, now that the trials and vexations of the past 8 years have so fully departed, and no one is more pleased than I am over it."

G. Brown Goode (p 653): "Mr. McDonald began his life almost as a pupil of Professor Baird, and as long ago as 1858 or 1859, when he was a mere boy, he was at the Smithsonian for two or three winters and imbibed the principles of Professor Baird's work, and was always one of his most devoted disciples. I have known him ever since 1874. At the time he first became commissioner of fisheries for the State of Virginia he showed so much enterprise, so much ingenuity and capacity in that work, that as soon as the Commission had sufficient appropriations Professor Baird felt obliged to call him to his aid to take charge of the practical fishery work. There was no one else who could do it as well. I think he had not completed his scientific education, but he was enough of a scientific man to hold a scientific professorship at the Virginia Military Institute for a number of years, and only resigned that to come to the Commission. He is a man of great mechanical ingenuity. I think no one can deny that the most important inventions in modern fish-culture, in regard to fishways and matters of that kind, have been his. I had an opportunity to see that at the Fisheries Exhibition in London, where he received high awards and where his apparatus was considered of the very best, and it was the apparatus devised and made practically by him that gave the United States its preëminence there in the matter of fish-culture. * * * I saw a good deal of his practical work during the 6 months I was Commissioner. I went with him on his car to one or two places and was impressed with the fact that he was a very careful business administrator and a very shrewd man. His whole thought, his whole life was given to this thing; he thought of nothing else. * * * He is a man who has a broad conception of the needs of the work, and has, also, what is very important in such a position, the feeling that in such work science should be made tributary to practical work. * * * I think the keynote of his administration has been that every move should produce some definite practical result."

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2362.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 21, 1891.—Ordered to be printed.

Mr. HIGGINS, from the Committee on Claims, submitted the following

REPORT:

[To accompany S. 4828.]

The Committee on Claims, to whom was referred the bill (S. 4828) for the relief of George M. Clapp, have considered the same and adopt the report made to the Committee on War Claims of the House of Representatives on House bill No. 13063, and recommend the passage of the bill.

The House report is as follows:

[House Report No. 3492, Fifty-first Congress, second session.]

It is alleged by the claimant that at the time of making the contract and of the completion of the wooden double-ender *Lenapee*, that the stock of the Washington Iron Works belonged entirely to himself (George M. Clapp) and Homer Ramsdell; that the corporation had been conducted with very little formality and very similar to copartnership. It is further alleged that during the spring of 1867 there was a division of the assets of the corporation between Mr. Ramsdell and Mr. Clapp; and that the claim of the Washington Iron Works for the *Lenapee* was then and there assigned and transferred to George M. Clapp and thereafter ceased to be assets of the corporation. Subsequent to this arrangement, Mr. Ramsdell sold out his interest in the company to outsiders and the stock of the company was increased, and the company subsequently ceased to do business. It is more than doubtful whether, in view of section 3477 of the Revised Statutes, the intention of the parties and that of the officers and stockholders of the corporation, at the time of this transfer, was carried out in point of law; and the purpose of the bill is, if the claimant can satisfy the court that it was the bona fide intention of the parties, to give effect to the transfer.

At the first session of this Congress a bill (H. R. 11588) for the relief of the same party was passed by the Senate and by the House of Representatives and failed to receive the approval of the President.

The President disapproved of House bill 11588 because in his judgment it did not make the further allowance to the contractor contingent upon the fact that the additional expense was the result of the action of the Government, through its officers, that the allowance was to be irrespective of the negligence or want of skill of the contractors, and that the contractor was to recover on the *quantum meruit*, independent of his contract. The present bill has been prepared to meet these objections, so far as they are applicable to the facts of the case. The word "necessarily" has been inserted before the word "cost." The

claimant is now required to show that it exercised ordinary prudence and diligence, and to the Court of Claims is committed the ascertainment of the truth of the allegations of claimant upon which it rests its claim for relief.

[House Report 3125, Fifty-first Congress, first session.]

On the 25th of August, 1862, the Washington Iron Works made a contract with the Navy Department for the construction and fitting in place of all the steam machinery necessary to the propulsion of the wooden double-ender *Lenapee* for the sum of $82,000.

The machinery was to be completed and ready for service six and a half months from the date of the agreement, provided the hull was ready within four and a half months from said date, and in case the hull was not ready at the expiration of the four and a half months the machinery was to be completed in place two months after the contractor was notified that the hull was ready. The machinery was completed to the satisfaction of the Navy Department, and claimant has been paid the contract price, together with $4,227.15 on a bill for extras.

Claimant insists that the contract was entered into at the urgent request of prominent Navy officials, acting under instructions from the Navy Department, and in advance of the preparation of the working drawings and under what may be not improperly described as threats that, unless the contract was taken on the terms proposed by the Department, viz, of $82,000, the company would by the Department be placed on the black list, or in the category of those establishments not entitled to the patronage of the Department in the future; and still further, that a failure to accept the offer made by the Department to take the contract would result in a probability that claimant's shop would be taken possession of by the Department and operated exclusively for the Government work.

Claimant further insists that a positive assurance was given before and at the time of entering into said contract, and as inducements moving thereto, by Benjamin F. Isherwood, Chief Engineer in the United States Navy, then Chief of the Bureau of Steam Engineering in the Navy Department, acting, it is claimed, under instructions and authority from the Department, to the effect that the weight of the engines and boilers to be constructed for the *Lenapee* would be about the same, or at most not exceeding 15 per cent. in weight of those of the *Paul Jones*, a vessel then constructed. The weight of machinery and appliances of the *Paul Jones* was at the time of entering into said contract, stated, known, and understood to be about 387,398 pounds.

It is further claimed that the working drawings were furnished by the Department for the different parts of the engines only as the work progressed, and it is alleged the great excess of weight over that of the machinery of the *Paul Jones* was not ascertained until after the materials were all ordered and much of the work was done. Furthermore, it was found when the engines were completed that they greatly exceeded in weight those of the *Paul Jones*—the former weighing over 600,000 pounds, the difference in weight being over 60 per cent. of that of the *Paul Jones*, instead of not exceeding 15 per cent., as per representations of Department officials, and thus adding largely to the cost both of the material and labor in the work of construction.

Your committee is satisfied, from the deposition hereto attached and the report of the Selfridge Board, of the soundness of claimant's position.

The claim was submitted to Congress in connection with other similar claims, and on March 9, 1865, the Senate passed the following resolution:

"IN THE SENATE OF THE UNITED STATES,
"*March* 9, 1865.

"*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price, and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered."

Under said resolution the honorable Secretary of the Navy appointed a Board, consisting of Commodore Thomas O. Selfridge, Chief Engineer Alexander Henderson, and Paymaster C. H. Eldridge, which convened at the Brooklyn navy-yard June 5, 1865, and continued in session for more than six months.

The Washington Iron Works, coming under the terms of said resolution, presented their claim to said Board, with the vouchers and the evidence in support of it.

See Senate Ex. Doc. No. 18, Thirty-ninth Congress, first session, page 61, as follows:

"The Board, after a critical examination of the bills of cost presented by the sev-

eral contractors for vessels and steam machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases over and above the contract price and allowance for extra work to be as follows:

"Engines and boilers for the wooden double-ender *Lenapes*..... $29,161.24

"All of which is respectfully submitted.

"THOMAS O. SELFRIDGE,
"*Commodore and President of Board.*
"MONTGOMERY FLETCHER,
"*Chief Engineer.*
"CHAS. H. ELDRIDGE,
"*Paymaster.*"

This investigation and report covered and included contracts for the construction of hulls and machinery of some twenty-six other vessels.

On January 31, 1866, this report was referred to the Committee on Naval Affairs of the Senate, which committee, on March 22, 1866, made a report thereon (No. 45, first session Thirty-ninth Congress), accompanying a bill for the payment of the awards thus made. In said report the committee say:

"From June till December last, the Board organized by the Secretary of the Navy, under the Senate resolution, composed of eminent officers of the Navy, was engaged in hearing evidence and investigating the claims of these parties. That investigation seems to have been fairly, carefully, and thoroughly made. It was by officers of the Department, and the award, which the committee believe to be substantially right, should be adopted as the basis of relief to the parties, and therefore the committee report the accompanying bill."

This bill passed the Senate, did not become a law, but at the same term of Congress an act was passed directing the Secretary of the Navy to inquire how much the war vessels and steam machinery contracted for between May 1, 1861, and January 1, 1864, cost the contractors over and above the sums paid, by reason of changes and delays caused by the Government. This investigation was conducted by three naval officers, constituting what has since been known as the Marchand Board. Its report (Senate Ex. Doc. No. 4, Fortieth Congress, second session) shows that neither this claim nor that of the contractors for the steam machinery of the other double-enders (all of whom had appeared before the Selfridge Board and had their claims adjudicated) was presented. Your committee is not informed of the reason for this, and can only conjecture that the contractors did not regard misinformation as to the estimated cost of the engines to be covered by the words "changes or alterations" * * * "which were not provided for in the original contract." (14 Stat., 424.)

The cost of the machinery to the contractor may well be taken as its reasonable value to the Government when turned over. No injustice is done to the Government when it pays what a thing is reasonably worth, and the circumstances attendant upon the making and execution of the agreement justify relief to the contractor from the strictness of its terms.

The bill, as reported by your committee, simply appropriates the money to carry out the findings of the Selfridge Board. Your committee still considers that the claimant is entitled to relief that can not be afforded by the courts or the Executive, but deeming judicial investigation desirable as to the extent of the loss suffered by the contractors, it recommends the adoption of the amendment, and that the bill be passed.

Testimony of Benjamin F. Isherwood, late Chief of the Bureau of Steam Engineering in the Navy Department, in the Court of Claims of the United States.

NEW YORK, *November* 6, 1873—11 a. m.

Present for the United States, Samuel Huntington, esq.; for the claimant, Martin V. B. Bachman, esq.

BENJAMIN F. ISHERWOOD, being called by the claimant and sworn, testified as follows in response to the commissioner: My name is Benjamin F. Isherwood. I am a chief engineer in the United States Navy; am over twenty-one years of age; reside at 11 East Thirty-sixth street, New York City; have no interest, direct or indirect, in the claim which is the subject of this inquiry, and am not related, in any way that I know of, to the above-named claimant.

In response to Mr. Bachman:

I have been an engineer for about thirty years, and in the United States naval service as an engineer for about twenty-eight or twenty-nine years. Was in said service all of 1862 as Chief of Bureau of Steam Engineering in the Navy Department.

Question. During 1872, while acting in that capacity, did you have anything to do on the part of the Government, with contracting for the construction of steam machinery and appurtenances for a class of vessels called double-enders?—Answer. Yes

Question. Was the *Lenapee* one of that class of vessels?—Answer. It was.

Question. State, if you please, what you had to do with the making of the contract for said machinery.

(Objected to by counsel for the United States as immaterial.)

Answer. By the direction of the Department advertisements were put in the principal papers of the country, asking for sealed proposals (objected to by counsel for the United States) for the construction of the class of machinery referred to, according to specifications and plans prepared by the bureau. In response, a number of proposals were received at varying prices, the lowest being $80,000, the next lowest $82,000; the contract for two vessels was awarded to the bidder for $80,000, and also a contract to the bidder for $82,000. The Department then decided that it would not exceed this latter price, but would offer as many contracts at that price as it could get taken. To the best of my recollection the highest bid was $125,000. No additional offers were received for contracts at $82,000, and I was directed by the Department to personally visit the principal shops and urge upon them the acceptance of this work for the $82,000, a sum which the Department had decided not to exceed. I accordingly visited the shops and used all the arguments I could devise to induce them to accept the work on these terms. In this way contracts for the machinery of twenty-six or twenty-seven vessels were made, and the *Lenapee* was one of that number. Said twenty-six or twenty-seven vessels include those that were awarded on the original proposals as well as those taken on my personal solicitation.

(Counsel for the United States objects to whole of last answer as immaterial; and also objects to such parts of it as state the contents of written instruments, and such as state what the Department decided and ordered.)

Question. State, if you can, the names of vessels for which machinery was contracted under the circumstances you have just related.—Answer. *Sassacus, Patuxent, Tallapoosa, Winooska, Mackinaw, Shamrock, Tallahoma, Tusconey, Iosco, Agawam, Pontoosuc, Massasoit, Osceola, Mattabessett, Chicopee, Ascutney, Otsego, Metacomet, Chenango, Lenapee, Mendota, Mingoe, Wyalusing, Pontiac, Wateree, Eutaw, Peoria.*

Question. Which two of those were awarded on the bids?

Adjourned at 11.55 a. m. till 1 p. m. November 6, 1873.

NOVEMBER 6, 1873—1 p. m.

Present for the United States, Samuel Huntington, esq.; for the claimant, Martin V. B. Bachman, esq.

Direct examination of Benjamin F. Isherwood (continued):

Answer. The *Mendota* and the *Metacomet.*

Question. State, if you please, what arguments you used to induce the parties who took this contract to construct the machinery to so take it.

(Counsel for the United States objects to as immaterial.)

Answer. The general scope of the arguments was, that the Government was very greatly in need of this work, and that, as loyal supporters of the Government, they were bound to meet its needs; that a refusal to do so would place them in the category of those not entitled to the patronage of the Department hereafter. I also stated that, unless the shops responded to the best of their ability to the exigencies of the Department, I would recommend what I had before suggested to the Department, to take possession of the shops and have them operated exclusively for the Government work.

Question. Were the engines put in the twenty-seven vessels you have named similar to those put in the vessel called the *Paul Jones*?

(Counsel for the United States objects to as immaterial.)

Answer. They were of the same type but of very different dimensions.

Question. In what respect?—Answer. The engines of the *Lenapee* were about 81 per cent. larger than those of the *Paul Jones*, making the comparison by capacity of cylinder. The diameter of the cylinder of the *Paul Jones* was 48 inches, and its stroke of piston 7 feet. The diameter of the cylinder of the *Lenapee* was 58 inches, and its stroke of piston 8½ feet.

Question. What was the weight of the machinery and appurtenances in the *Paul Jones*?

(Counsel for the United States objects to as immaterial.)

Answer. It was 387,398 pounds.

Question. State, if you can, the weight of the machinery and appurtenances in the *Lenapee.*—Answer. Five hundred and thirty-two thousand and ten pounds.

Question. Were you at that time acquainted with the cost of construction of naval machinery of that class?—Answer. I had a general opinion of it, but, not being a builder, I could not depend on that opinion as precise.

Question. Have you since that time become familiar with the subject?—Answer. I have.

Question. Was, or was not, $82,000 a fair price for the construction of the machinery and appurtenances for the *Lenapee*, in your opinion?

(Counsel for the United States objects to as immaterial.)

Answer. I think it was inadequate.

Cross-examined by Samuel Huntington, esq., counsel for the United States.

Question. How do you know the weight of the machinery and appurtenances of the *Lenapee*?—Answer. The contract requires the contractor to furnish an inventory of the weight and material of each part of the machinery and of all its appurtenances; and from these inventories the above weights are given.

Question. Did you ever see these inventories?—Answer. I did; they came to me in my official capacity as Chief of Bureau.

Question. Did you take copies of memoranda from the inventory of the weight and material of the machinery of the *Lenapee*?—Answer. I had the inventories of the weights of the machinery for a large number of these vessels, all of which differed more or less, and I took the average which is the weight given in my testimony, and the average for the whole of them was 532,010 pounds.

Question. Then do I understand you to mean that 532,010 pounds was the exact weight of the machinery and appurtenances of the *Lenapee*?—Answer. No. It was the average weight of the machinery of that class, and probably varied a few per cent. from the weight of the *Lenapee*.

Question. By whom was that average computed?—Answer. By myself.

Question. When?—Answer. In 1864 and 1865, and published in 1865 in a work entitled Experimental Researches in Steam Engineering, volume second.

By the Commissioner:

Question. Do you know of any other matter relative to the claim in question?—Answer. Not that I am aware of.

B. F. ISHERWOOD.

Subscribed and sworn before me this 6th day of November, A. D. 1873.

WILLIAM BLAIKIE,
Commissioner of the United States Court of Claims.

[Extract from Senate Report No. 1345, Fifty-first Congress, first session.]

That claimant was loser on this contract to an amount nearly, if not quite, equal to one-half of the whole contract, there can be but little doubt, as were most, if not all, of the contractors engaged in the construction of the twenty-seven gunboats mentioned in the report of the Selfridge Board. These contracts were entered into in abnormal times. War was raging, it is true, but many were the predictions then made, by some of our ablest statesmen, that it could not and would not last more than a few months at most. Those who, gifted with the greatest prescience, could not and did not predict as to the future with any degree of accuracy, and few there were, indeed, who, in August, 1862, the date when these contracts were entered into, could have been made to believe that nearly three years from that date would find the war still raging with unabated fury, millions of men still in arms, and prices of all kinds of labor, materials, and provisions doubled or trebled in amount.

In discussing this very claim, and others of like character, Senator Sumner (see Cong. Globe, 1865, p. 1892) said:

"The Senator from Kentucky said that they took the war into their calculations. Perhaps they did; but who among these contractors could take that war adequately into his calculations? Who among those sitting here or at the other end of the avenue properly appreciated the character of the great contest that was then going on? Sir, we had passed half a century in peace; we knew nothing of war or of war preparations, when all at once we were called to efforts on this gigantic scale. Are you astonished that these contractors did not know more about the war than your statesmen? Be to these contractors as gentle in judgment and as considerate as you have been to others in public life who have erred in their calculations with regard to it. (Cong. Globe, page, 1987.)

"The building of that invulnerable Navy was one of the great victories of the war, not to be commemorated on any special field, but to be seen in those mighty results which we all now enjoy.

"And now again I ask, are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed, nor the national

creditor who has taken your stock; will you allow the mechanic to be sacrificed? * * * My friend on my right (Mr. Nye) asked you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by. The Senator from Nevada also very fitly reminded you of the experience of other countries. He told you that England, at the close of the Crimean war, when her mechanics had suffered precisely as your mechanics have suffered, did not allow them to be sacrificed, but every pound and shilling of their liabilities under their contracts was promptly met by that Government. Will you be less just to your mechanics than England? It is an old saying that 'republics are ungrateful.' I hope that this Republic may certainly vie with any monarchy in gratitude to those who served it." (Cong. Globe, page 19 87.)

During the same debate Senator Hendricks, of Indiana (see Congressional Globe, page 1964, 1865), said:

"I am of the opinion that these sums ought to be paid as a matter of justice and right, by the Government to these contractors. Each case, of course, has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government, he ought not to be allowed to be a large loser, and in some cases, as will be the result here, to be broken up by the contract that he may have made, and especially in the case of contracts made at such a time as these were made and for such work as they were made. * * * We had to have these ships; the Government could not progress in the war without them, and great numbers had to be manufactured or contracted for about the same time. What was the effect of that? The Government made a contract with one man, then with another, then with another, and started her own shipyards with all the force it was possible to command. What was the effect of that? Of course to increase the price of labor; of course, to increase the price of material required in the construction of the ships. There are some general views about the equity of these claims without reference to the particular merit of each case." (Congressional Globe, page 1890, 1866.)

"The point is that, these contracts being made in 1862 and 1863, the prices continued to advance during all the time that these parties were building the vessels and constructing the machinery for them, so that they were overtaken by this enormously high rate of prices and destroyed." (Cong. Globe, p. 1892.)

"These contracts were made by some below their own proposition, and at barely fair prices at the then current rates. Is there any Senator here who wishes to see these men broken up merely because they entered into a contract with the Government? Is there any Senator here who wishes to say to these men, we have your bond, and we will hold you to your bond; we will take the blood out of your business; we will have the pound of flesh?" (Cong. Globe, p. 1964.)

That Congress has in the past comprehended the injustice of permitting these contractors and others similarly situated to bear the immense losses they suffered under the circumstances stated has been made apparent in various proceedings, had at different times since the close of the war, sometimes by one house acting separately and independently, sometimes by the joint action of both houses—notably in the former case the action of the Senate of March 9, 1865, which led to the organization of the Selfridge Board, and of the latter by the act of March 2, 1867, which resulted in the organization and report of the Marchand Board, to say nothing of the various special acts of Congress and numerous reports submitted from the committees of the respective houses from time to time. Among the latter reference might be properly made to the following: Report of Senator Nye, Senate Report No. 45, second session Thirty-ninth Congress; Senate Report No. 37, second session Forty-second Congress; Representative Stone's report, No 17, second session, Forty-ninth Congress.

A bill to pay these claimants directly the amount of their claims, as reported by the Selfridge Board, passed the Senate unanimously in the third session of the Thirty-ninth Congress. Various special acts have been passed covering similar cases. Some of them included in the report of the Selfridge Board.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2363.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 5265.]

The Committee on Pensions, to whom was referred the bill (H. R. 5265) granting a pension to Emma Chapman, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5265) granting a pension to Emma Chapman, submit the following report:

The claimant has submitted as evidence before your committee the original papers showing that she was appointed hospital nurse by Miss Dix; that she entered upon her duties as such at United States General Hospital at Jefferson Barracks, Mo., in August, 1863; that she was discharged at the breaking up of said hospital, September 27, 1865. Dr. J. H. Steinman, assistant surgeon in charge, gave to claimant, at the time of her discharge, a testimonial of high commendation for the noble manner in which she had performed all of her duties, which paper is also on file with other evidence.

Your committee believe this a very meritorious claim and recommend that the bill do pass.

The bill is reported favorably with a recommendation that it do pass.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2364.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 5064.]

The Committee on Pensions, to whom was referred the bill (S. 5064) granting a pension to William H. Morris, have examined the same and report as follows:

General Morris was born in the city of New York April 22, 1827; was graduated at the West Point Military Academy in June 1851, and entered the U. S. Army as brevet second lieutenant Second Infantry; was promoted to second lieutenant December 3, 1851; served under Major Heintzelman at Fort Yuma, Cal.; resigned on account of ill health February 28, 1854; served during the rebellion, 1861–'64; appointed assistant adjutant-general, with the rank of captain, August 20, 1861; assigned as chief of staff to Gen. John J. Peck, and served during the peninsular campaign in the Army of the Potomac under General McClellan, and was engaged in the siege of Yorktown, April 5 to May 4; battle of Williamsburgh, May 5, 1862, and battle of Fair Oaks, May 31 to June 1, 1862; was colonel One hundred and Thirty-fifth New York Volunteer Infantry, which subsequently became the Sixth New York Artillery September 2, 1862; in command of garrison at Fort McHenry, Baltimore; ordered to Harper's Ferry, and while there was promoted to brigadier-general United States Volunteers, and assigned to a command composed of infantry, cavalry, heavy artillery, heavy batteries, and engineers, with headquarters on Maryland Heights.

When Harper's Ferry was abandoned General Morris was ordered to join the Third Corps, Army of the Potomac, and commanded a brigade composed of the Fourteenth New Jersey, One hundred and fifty-first New York, and Tenth Vermont Volunteers, in reserve at battle of Gettysburgh, July 1–3, 1863; engaged in the action of Wapping Heights, July 23, 1863; in the Rapidan campaign, Army of the Potomac, October to December, 1863, being engaged in the action of Locust Grove, November 29, 1863.

When the Third Corps was broken up General Morris was ordered to the Sixth Corps, Army of the Potomac, and commanded a brigade composed of the One hundred and sixth New York, One hundred and fifty-first New York, Fourteenth New Jersey, Eighty-seventh Pennsylvania, and Tenth Vermont Regiments of Infantry; in the Richmond campaign under General Grant, May, 1864, and was engaged in the battle of the Wilderness, May 5–6, 1864, and action near Spottsylvania, May 9, 1864, where he was severely wounded; on sick leave of absence, disabled by wounds, May and June, 1864, and on court-martial and military commissions, June *to August, 1864;* mustered out of serv-

ice August 24, 1864; brevetted major-general United States Volunteers, March 13, 1865, "for gallant and meritorious services in the battle of the Wilderness, Virginia."

The claimant has been compelled to abandon his position in the New York City custom-house on account of absolute failure of health. He is poor. His prostration is permanent, having been ill over a year, and never will be well enough to earn his living again. He now receives but $15 per month.

Your committee recommend the passage of the bill.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2365.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 5686.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5686) entitled "An act for the relief of Timothy C. Barjerow," have had the same under consideration and report it back favorably and recommend its passage.

This measure was reported favorably to the House during the Fiftieth Congress.

Timothy C. Barjerow was enrolled August 24, 1861, and mustered into the United States service September 9, 1861, at White Pigeon, Mich., to serve 3 years, in Company H, Eleventh Michigan Volunteers. On muster-roll for November and December, 1861, he is reported "absent, sick in hospital, White Pigeon," and for January and February, 1862, "absent, left sick at Quincy." For March and April he is marked "deserted," and his name does not appear on the subsequent rolls for that year, or any other, except that on muster-out roll he appears with the record "was left in Michigan, December, 1861, and never joined the regiment."

The claim is that petitioner was sick during all the time from February, 1862, to the muster out of his company and regiment, September 20, 1864, which assertion is confirmed by the evidence adduced and hereto attached.

STATE OF MICHIGAN, *County of Branch, ss:*

In the matter of pension claim of Timothy C. Barjerow, now pending, and against which said Timothy C. Barjerow there is a charge of desertion, on account of his absence from his regiment at the time it was mustered out, also on account of his never having been discharged, there personally appeared before me, a notary public in and for the county and State aforesaid, Barber N. Sholden, whom I certify to be entitled to credit, and who, being duly sworn, deposes and says: That he is a resident of Quincy, Mich., 65 years of age, and that his post-office address is at the said village of Quincy, Mich.; that he is well acquainted with the claimant, Timothy C. Barjerow, and has been for several years last past; that he was well acquainted with the said claimant during the period from December, 1861, to October, A. D. 1864, and that during the said period that the said claimant was at his home in Quincy, and was confined to his house during a greater portion of said period, he being sick and unable to perform manual labor of any kind or nature; that he has known of claimant's condition since December, 1864, to the present time, and that he has been unable to perform manual labor during much of said last-named period.

Further, that I have no interest in the prosecution of this claim.

BARBER N. SHELDEN.

Subscribed and sworn to before me this 3d day of November, A. D. 1885. And I further certify that I have no interest in the prosecution of this claim.

[SEAL.] WILLIAM H. LOCKERBY,
Notary Public.

Certificate of official character on file at Washington.

I hereby certify that in September, 1861, I employed Timothy C. Barjerow to drive my wife and myself to Ann Arbor, Mich., from Quincy, Mich. We stopped over night at a country tavern on the old Chicago road, in northern limits of Lenawee County, Mich. During the evening Mr. Barjerow and the landlord got into a heated discussion over the condition of the country, the landlord being what was termed at that time a copperhead. The next day, about 10 a. m., my wife was taken violently sick on the road. After a rest she was able to go on to Ann Arbor. At night Barjerow and myself were taken ill; symptoms same as my wife's, vomiting and purging. Wife and I were sick several days with irritable stomach. I heard from Mr. Barjerow frequently through friends in Quincy, and learned that he was sick all the fall and winter. 1861–'62. My post-office address is Petersburgh, Monroe County, Mich.

We suspected poisoning.

SAMUEL L. JONES, M. D.,
Late Assistant Surgeon Eleventh Michigan Infantry.

PETERSBURGH, MICH., *March* 17, 1885.

STATE OF MICHIGAN, *County of Monroe, ss:*

Subscribed and sworn to before me the 24th day of March, A. D. 1885, and I certify that the contents of the foregoing affidavit was made known to the affiant before swearing; that the affiant is to me known and is entitled to credit; that I have no interest in the matter, and that certificate of my authority as notary public has been filed in the Pension Office for reference.

JAMES H. GAGE,
Notary Public.

STATE OF MICHIGAN, *County of Monroe, ss:*

I, P. H. Mathews, clerk of said county of Monroe and of the circuit court therein, being a court of record, do hereby certify that James H. Gage, whose name is subscribed to the annexed affidavit and therein written, was, at the time of taking such affidavit, a notary public in and for said county, duly commissioned and qualified, and duly authorized by law to take the same; and further, that I am well acquainted with his handwriting, and verily believe that the signature thereto is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said circuit court, at the city of Monroe, this 4th day of January, A. D. 18^{8}6.

[SEAL.] P. H. MATHEWS, *Clerk.*

Application for removal of charge of desertion.

STATE OF MICHIGAN, *County of Allegan, ss:*

On this 12th day of June, A. D. 1883, personally appeared before me, Milton Chase, a notary public in and for the county of Allegan, in the State of Michigan, Timothy C. Barjerow, now a resident of Otsego, county of Allegan, State of Michigan, who, being duly sworn, declares that he is the identical Timothy C. Barjerow who was a private in Company H, in the Eleventh Regiment of Michigan Volunteers; that he was enlisted in said company and regiment on or about the 11th day of September, 1861, at White Pigeon, in the county of Saint Joseph and State of Michigan, by Sergeant John E. Nichols, mustered into service on or about the 11th day of September, 1861, at White Pigeon, in the county of Saint Joseph and State of Michigan; that he served faithfully until on or about the 1st day of December, 1861, when, without any intention of deserting, he left the regiment under the following circumstances: Being sick at Quincy, Branch County, Mich., when the regiment was about to leave the State, he was visited by Sergeant Warren Newbury, who told him to remain until he recovered or was sent for. The cause and circumstances of this sickness have been set forth by an affidavit prior to this date.

He, Timothy C. Barjerow, further says that he never was officially or authoritatively called upon to join said regiment, although at all times willing to do so after recovering enough to have joined his regiment. He further says that he never made any effort to evade joining his regiment. This declaration is made for the purpose of securing a removal of the charge of desertion, and he hereby appoints, with full power of substitution and revocation, Alfred A. Miller, attorney, of Blissfield, Lenawee County, Mich., his attorney to present this application, and to receive and receipt for the discharge that may be issued thereon, and to do any and all acts necessary to effect the purpose of their said appointment.

His post-office address is Otsego, Allegan County, Mich.

TIMOTHY C. BARJEROW.

ELIZABETH P. CHASE.
MILTON CHASE.

Also, personally appeared before me Dr. Lenora Foster, now a resident of Otsego, in the county of Allegan and State of Michigan, and Mrs. E. P. Chase, now a resident of the town of Otsego, of the county of Allegan and State of Michigan, to me well know as credible persons, who, being duly sworn, declare that they have been for fifteen years acquainted with the above-named applicant; that they know him to be the person he represents himself to be; that they have every reason to believe that the foregoing affidavit by him subscribed is correct and true, and that they have no interest in his claim.

TIMOTHY C. BARJEROW.

LENORA FOSTER.
ELIZABETH P. CHASE.

STATE OF MICHIGAN, *County of Allegan, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same.

I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, and that he is a credible person.

[L. S.] MILTON CHASE,
Notary Public.

I have a certificate of my office on file in Pension Office at Washington, D. C.

Nathan Gilbert, clerk of the county court in and for aforesaid county and State, do certify that Milton Chase, esq., who hath signed his name to the foregoing declaration and affidavit, was at the time of so doing notary public in and for said county and State, duly commissioned and sworn; that all his official acts are entitled to full faith and credit, and that his signature thereunto is genuine.

Witness my hand and seal of office this 16th day of June, 1883.

[L. S.] NATHAN GILBERT,
Clerk of the Circuit Court.

Application for removal of charge of desertion.

STATE OF MICHIGAN;
County of Allegan, ss:

On this 10th day of March, A. D. 1885, personally appeared before me, a deputy county clerk in and for the county of Allegan, in the State of Michigan, Timothy C. Barjerow, now a resident of Otsego Village, county of Allegan, State of Michigan, who, being duly sworn, declares that he is the identical Timothy C. Barjerow who was a private in Company H, in the Eleventh Regiment of Michigan Infantry; that he was enlisted in said company and regiment on or about the 11th day of September, 1861, at White Pigeon, in the county of Saint Joseph and State of Michigan, by John A. Nichols, mustered into service on or about the 11th day of September, 1861, at White Pigeon, in the county of Saint Joseph and State of Michigan; that he served faithfully until on or about — September, when he was dropped, 1862, when, without any intention of deserting, he left the regiment under the following circumstances: To recruit men for the regiment. In a few weeks, while on this duty and stopping at a hotel in the town of Franklin, Lenawee County, Mich., kept by a man named Ayers, I was poisoned, I think designedly, as he was a Copperhead, and was very sick for a long time from this cause. At that time and same meal Dr. Samuel Jones and his wife were poisoned. On account of this sickness I was left behind on sick leave when the regiment left the State for active service. A sergeant of the regiment and my company gave me verbal orders to remain behind at that time. I was carried on the roll of the company for a year and then, as I was not and had not been fit for duty or to join the regiment, I was dropped from the company roll. I never had orders to join the regiment or report to any general hospital and was not officially notified that I was dropped from the company's roll. I had not deserted or attempted to desert, and was all the time at home in Branch County during the war.

This declaration is made for the purpose of securing a removal of the charge of desertion, and he hereby appoints, with full power of substitution and revocation, Soule & Co., of Washington, D. C., his attorneys to present this application, and to receive and receipt for the discharge that may be issued thereon and to do any and all acts necessary to effect the purpose of their said appointment. His post-office address is Otsego, Allegan County, Mich.

TIMOTHY C. BARJEROW.
SHELDIN W. ROSE.
SARAH T. CHASE.
ELIZABETH P. CHASE.
JOHN RANDALL.

Also personally appeared before me Sheldin W. Rose, now a resident of the town of Otsego, in the county of Allegan and State of Michigan, and John Randall, now a resident of the town of Otsego, of the county of Allegan and State of Michigan, to me well known as credible persons, who, being duly sworn, declare that they have been for fifteen years acquainted with the above-named applicant; that they know him to be the person he represents himself to be; that they have every reason to believe that the foregoing affidavit by him subscribed is correct and true, and that they have no interest in his claim.

SHELDIN W. ROSE.
JOHN RANDALL.

STATE OF MICHIGAN,
County of Allegan:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant was personally known to me and that he is a credible person.

WILLIAM HAY,
Deputy County Clerk.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2366.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 5319.]

The Committee on Military Affairs to whom was referred the bill (H. R. 5319) entitled "An act to remove the charge of desertion from the record of Allen S. Thatcher," have had the same under consideration and report it back favorably, recommending its passage.

There appears to have been no authority in law for favorable action by the War Department on this case, the desertion alleged having exceeded 4 months, and hence not embraced in the limit fixed by acts of 1886, 1889 allowing the Department to consider applications on their merits.

The facts appear to be as follows: Petitioner enlisted September 3, 1861, for 3 years in Company E, Ninth Indiana Infantry Volunteers. He served faithfully therein until October 1, 1862, when he left his company and regiment because, as he claims, he enlisted as a fifer, and at the date of his desertion he was ordered into the ranks to carry a gun and do a regular soldier's duty. April 11, 1863, he again enlisted without bounty in Company K, Third Michigan Cavalry, and served faithfully until regularly mustered out with his company, February 12, 1866, making a total service of 3 years and 10 months, and only an absence of 6 months during the entire period of the war.

Your committee think, in view of the long and faithful service of this soldier, he should be granted an honorable discharge.

The fact of an early reënlistment and service of 3 years and 8 months, in connection with the reason given for deserting his first regiment, is indicative of anything but an intent to desert for the purpose of avoiding service.

The report of the Adjutant-General of the Army is as follows:

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 14, 1888.

SIR: I have the honor to return House bill 4085, Fiftieth Congress, first session, authorizing the removal of the charge of desertion against, and the issue of an honorable discharge to, Allen S. Thatcher, Company E, Ninth Indiana Volunteers, transmitted by the chairman of the House Committee on Military Affairs, and, in compliance with intructions, to report as follows:

As shown by the official record, Allen S. Thatcher was enrolled September 3, 1861, for 3 years, as a private in Company E, Ninth Indiana Volunteers, and borne on the rolls as of that grade and properly accounted for until October 1, 1862, when he deserted on that date at Louisville, Ky.

On April 11, 1863, he enlisted *in violation of the* twenty-second, now fiftieth, arti-

cle of war, in Company K, Third Michigan Cavalry, and he served in that regiment until February 12, 1866, when mustered out with Company E, to which he had been transferred.

In his application of August 20, 1883, Thatcher states, under oath, "he was fifer of Company E, Ninth Indiana Volunteers; on the march from Nashville to Louisville his captain ordered him to carry the gun and equipments belonging to his, the captain's cook, an order with which he complied; upon arrival at Louisville, Ky., he was ordered out on inspection with the gun and equipments of the same cook. As he was company fifer he thought this was too much, he refused to obey the order, and to avoid further trouble he left the regiment."

The application was denied in the absence of any authority of law for the removal of the charge of desertion, and upon inquiry from Hon. C. C. Matteson, of August 6, 1886, as to the status of the case, he was informed on August 16, 1886, that inasmuch as the soldier's absence in desertion exceeded 3 months the case is not covered by the act of Congress approved May 17, 1886, and that the Department has therefore no power to remove the charge of desertion.

I am sir, very respectfully, your obedient servant,

J. C. KELTON,
Assistant-Adjutant General.

The SECRETARY OF WAR.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2367.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 12185.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 12185) for the relief of William G. Tidwell, have had the same under consideration and report it back favorably amended, so as to direct that the honorable discharge bear date June 30, 1863.

Your committee reported a bill (S. 4376) for the relief of Tidwell at the first session of the present Congress (S. Rep. 1929), which was as follows, based on the report submitted by the record and pension bureau of the War Department, hereto annexed, marked "A."

The petitioner Tidwell, according to the records of the War Department, enlisted as a private in Company E, Seventh Illinois Cavalry, in Alabama, September 1, 1862, to serve 3 years, being a resident of that State. He appears to have served faithfully until December 11, 1863, when he was sent to general hospital at Oxford, Miss., and thence to general hospital at Holly Springs December 22, 1863.

The only additional record which the War Department has of Tidwell is that he enlisted in Company A, First Alabama Cavalry, on the 15th of January, 1864, in which it is admitted he served faithfully until October 20, 1865, when he was mustered out. On this record the petitioner was marked as a deserter. He applied to the War Department on affidavits for a removal of this charge, but it was denied on the ground that the enlistment by Tidwell in the First Alabama Cavalry without a discharge from the Seventh Illinois Cavalry was a violation of the fiftieth Article of War, and because the period of petitioner's absence from service having exceeded 4 months the Department had no power, under the act of March 2, 1889, to grant the relief prayed for.

The only real question is, was the said Tidwell a deserter in fact. He testifies under oath concerning his absence as follows: That in his transfer to the hospital at Holly Springs, Miss., while he was ill with measles, he was placed on the top of a box-car and took cold and suffered a relapse and remained in the hospital nearly 2 months and until after the Federal forces at this point had fallen back 3 or 4 miles; that the physician gave him a pass to reach the lines and his regiment, and on his way he was captured by the Confederates, who sent him to Guntown, Miss., where he was paroled, and he then went to his home in Marion County, Ala., remaining a couple months, when he started to return to his command, and while en route was informed that he could not reach it, when he went to Winston County, Ala., where he remained 2 months, when he again started for his regiment but was again captured by the Confederates near Leighton, Ala.; that he was forced into the Confederate service, and because he refused to do duty he was "swapped off" to another Confederate regiment, the officers in which refusing to receive him gave him a pass back to the original Confederate regiment in which he had refused to do duty. This pass, he asserts, he used to return through the lines to Camp Davis, where the Federal forces were stationed. On reaching the Federal camp he was informed by officers and comrades that his regiment, the Seventh Illinois Cavalry, had been mustered out, whereupon the petitioner enlisted in the First Alabama Cavalry. He states also that he was illiterate and unable to read or write, and did not understand military rules; that he did not get a discharge nor any pay for his services in the Seventh Illinois, nor for a horse furnished.

There is no evidence to contradict these verified averments, and the reputation of the petitioner for truth and veracity are vouched for by A. B. Hayes, probate judge of Cullman County, Ala., and by Hiram Adkins, a deputy sheriff. It also appears from the sworn evidence of Samuel E. Lee and John W. Suits, members of Company A, First Alabama Cavalry, that the petitioner arrived at Camp Davis and enlisted in said regiment about January 13, 1864, after being informed in their presence by some comrades of the Seventh Illinois and others that said latter regiment had been mustered out; three of his old comrades having joined the First Alabama Cavalry. Suits and Lee are vouched for as reliable, reputable men.

On these statements your committee are of the opinion that the prayer of the petition should be granted and they accordingly report the bill back and recommend its passage.

A.

Case of William G. Tidwell, late of Company E, Seventh Illinois Cavalry.

William G. Tidwell, private Company E, Seventh Illinois Cavalry, was enrolled and mustered in at Courtland, Ala., September 1, 1862, to serve 3 years, and is reported on the muster rolls of the company as follows: October 31, 1862, present; December 31, 1862, February 28, and April 30, 1863, "sent to general hospital at Oxford, Miss., December 11, 1862;" June 30, 1863, "supposed to be in camp at La Grange, Tenn.;" August 31, 1863, "absent, sick, dismounted since June 30, 1863;" October 31, 1863, "date of last payment unknown; dismounted since June 30, 1863; supposed to have deserted;" December 31, 1863, "missing since sometime in June, last heard from while in hospital at Oxford, Miss.;" April 30, 1864, "deserter or dead, heard from last while in hospital at Oxford, Miss.;" muster out roll of company, dated October 15, 1864, "deserted from general hospital; no date ever furnished."

The hospital records show him admitted to the regimental hospital of Fourth Illinois Cavalry on December 11, 1862, complaint, rubeola, and sent to general hospital December 22, 1862; remarks, sent to general hospital at Holly Springs, Miss. There is no further hospital record found.

The company descriptive book reports him "missing from general hospital at Oxford, Miss., on the —— day of ——, 1863."

The next official record of this man is on January 15, 1864, on which date, while a deserter from Company E, Seventh Illinois Cavalry, he enlisted in Company A, First Alabama Cavalry Volunteers, to serve 3 years, in violation of the twenty-second (now fiftieth) article of war, and served faithfully in the latter organization until October 20, 1865, on which date he was mustered out with company.

On July 7, 1890, Hon. A. S. Paddock, United States Senate, submitted the following testimony with a view to the removal of the charge of desertion against this soldier:

In an affidavit executed June 18, 1890, the claimant declares that while a member of Company E, Seventh Illinois Cavalry, and stationed near Oxford, Miss., he contracted measles, was sent to hospital in Oxford, Miss., and thence to a hospital in Holly Springs, Miss., at which latter place he had a relapse and remained sick nearly 2 months; that he was then given a pass and started to rejoin his command, reported to be about 3 miles from Holly Springs, and while en route was captured by the rebels, carried to Guntown, Miss., delivered to General Armstrong, and by him paroled; that he then went to his home in Marion County, Ala., remained there about 2 months, and then made another attempt to join his regiment (this sometime in the winter of 1863–'64), but while en route thither was again captured by Confederates near Leighton, Ala.; that he was taken to Courtland, Ala., forced into the rebel service, and carried to or near Nashville, where an engagement was had and he refused to fight; that he was "then swapped," without his knowledge, to the Eighth Confederate, but the lieutenant, upon learning that he (claimant) had been exchanged without his consent, gave him a pass for the purpose of returning to the company from which he had been transferred; that he used the pass to get through the lines to Camp Davis, and on the day after his arrival at the latter place he enlisted in the First Alabama Cavalry, but not until he had been informed by some of his comrades whom he found at Camp Davis, and Captain Hines of Company A, First Alabama Cavalry, that his company (E, Seventh Illinois Cavalry) had been mustered out of service; that he was illiterate, unable to read or write, and ignorant of military laws, and did not know what course to pursue; that on this account he did not get a discharge; that he never received any pay for the service rendered in the first organization or for the horse which he furnished; that he never deserted his company or his country. He further swears that General Roddey was in command of the rebel troops at or near Courtland, Ala., where claimant was taken when captured the second time.

Hiram Adkins, deputy sheriff of Cullman County, Ala., in affidavit executed June 18, 1890, declares that he has known the claimant for about 20 years, and has good reason to believe that all the foregoing statements by the claimant are true.

A. B. Hays, late sergeant-major, Second Tennessee Mounted Infantry Volunteers, and now judge of probate court of Cullman County, Ala., swears June 19, 1890, that he has known and met the claimant many times during about 20 years past, and from statements which he has heard claimant and claimant's friends often make affiant believes that the foregoing affidavit is substantially true and correct.

(The prisoners of war records furnish no evidence of alleged capture.)

On July 8, 1890, Hon. A. S. Paddock was informed by letter from this Department that the enlistment of this man in the First Alabama Cavalry without a discharge from the Seventh Illinois Cavalry, which was retained in service until November 4, 1865, was a violation of the twenty-second (now fiftieth) article of war, and as the period of his absence from the service between desertion and reënlistment exceeded 4 months, the Department has no power, under existing law (act approved March 2, 1889), to afford him any relief.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army

RECORD AND PENSION DIVISION, *January* 31, 1891.

The SECRETARY OF WAR.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2368.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 5101.]

The Committee on Military Affairs, to whom was referred the bill (S. 5101) entitled "An act to remove the charge of desertion now standing against George Alcott on the rolls of the War Department," have had the same under consideration and report it back favorably, amended so as to grant him an honorable discharge to date June 13, 1865, which was the day his furlough expired.

The records show that Alcott did not return because he was told, upon reporting, that the orders were not to forward any more men, as the war had ended; whereupon he followed the suggestion of officers and returned home to be notified when wanted. He was never notified, and his regiment was mustered out without his knowledge. The evidence submitted seems to support petitioner's allegations, and is set out in the annexed report from the Record and Pension Bureau of the War Department:

WAR DEPARTMENT,
Washington City, February 14, 1891.

SIR: In compliance with your request (received to-day) for a transcript of the record in the case of George Alcott, late member of Company C, One hundred and fifty-second Indiana Volunteers, I am directed by the Secretary of War to inform you as follows:

The official records show this soldier to have been enrolled February 15, 1865, for the period of one year, and to have been mustered into service February 17, following. He appears to have been granted a 20 days' furlough on May 24, 1865, and failing to rejoin his command upon its expiration he is reported on the company muster-out roll dated Charleston, W. Va., August 30, 1865, as follows: "Absent, deserted; left Summit Point, Va., May 24, 1865, on 20 days' furlough, and never returned." He is regarded as having deserted June 12, 1865.

The following is a synopsis of the testimony heretofore submitted to the Department in connection with application for removal of the charge of desertion, to wit:

Under date of October 8, 1890, the soldier testified that he received a furlough for 20 days from May 24, 1865, and that upon its expiration he reported to the proper officers at Indianapolis, Ind., on June 13, 1865, for transportation to his regiment, but which was refused him for the reason, as the officers alleged, that they had received orders not to forward any more men, as the war had ended and regiments were about to return to be mustered out; that the said officers took his name and post-office address, and directed him to either remain in Indianapolis or to return to his home and they would inform him when to return for muster-out; that his regiment came back and was mustered out without his knowledge, the said officers having failed to notify him; that he would have rejoined his regiment had he not been prevented from doing so by the officers in power and command at Indianapolis.

There is no record of the man at Indianapolis subsequent to May, 1865.

George E. Young, late lieutenant and adjutant, and George P. Alexander, late captain Company C, One hundred and *fifty-second Indiana* Volunteers, under dates of

October 8 and 9, respectively, testified that upon their arrival home at the close of the war they learned that the soldier had attempted to rejoin his regiment and got as far as Indianapolis, but was unable to go any farther on account of the close of the war.

On January 4, 1890, the Department held that as "this man's service prior to May 1, 1865, amounted to a less period than 6 months, and as his assertion of reporting at Indianapolis and of being refused transportation is not borne out by the records, favorable action can not be taken under the law and the application must be denied."

Robert Moore, under date of March 1, 1890, testified that he remembered meeting the soldier on the morning in which he said he was going to his regiment from his furlough; that he (affiant) met the soldier at his gate just as he started, and remembered distinctly what he told affiant, who had every reason to believe that he told the truth, as he had on knapsack, etc., "and is now, as he has been, a man of good reputation."

James Collins testified, March 12, 1890, that he was a member of Company C, One hundredth Indiana Volunteers, and that about June, 1865, while returning to his command from furlough, he met the soldier, also on furlough, at Elkhart, Ind., the soldier declaring that he was going to Indianapolis for the purpose of rejoining his command, to which place affiant accompanied him.

This affiant (Collins) corroborated the soldier's testimony as to reporting to the officers at Indianapolis for transportation to his regiment, and to the refusal of the officers to furnish it, on the ground that his regiment was about to return to be mustered out.

Collins, as a member of Company C, One hundredth Indiana Volunteers, entered the general hospital at Indianapolis on May 17, 1865, and was mustered out there June 13, 1865, on an individual muster-out roll.

On April 15, 1890, the Department held that the additional testimony presented did not warrant a reversal of the former adverse decision, and the application was again denied.

Since that date the status of the soldier has not been changed by the introduction of new testimony.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Hon. CHAS. F. MANDERSON,
United States Senate.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2369.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany memorial of the legislature of South Dakota to Congress asking the establishment of a soldiers' home at Hot Springs, S. Dak.]

The Committee on Military Affairs, to whom was referred the memorial above noted, have had the same under consideration and report it back adversely and ask to be discharged from its further consideration.

There is no discoverable necessity for any additional soldiers' homes, the number now provided for, with those under State control, being all that a true economy should maintain.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2370.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[On the resolution of the legislature of Massachusetts praying Congress to appropriate one hundred dollars per capita, or to secure to the Chelsea, Mass., Home the benefits of the act allowing soldiers' homes a certain annual compensation for the support of veterans in the late war.]

The Committee on Military Affairs have had said resolution under consideration and report it back adversely and ask to be discharged from the further consideration of the matter.

The Government has established several soldiers' homes to which veterans entitled to the benefits of the law may go, and your committee sees no good reason for making a precedent that might grow and become an abuse. Other States equally, with Massachusetts, for a long time supported State homes, and with great liberality, prior to the Federal Government giving aid in that direction, and Congress should not now commence making distinctions by favoring Chelsea as against places in other States, especially as the granting of the prayer would change existing law, Chelsea being a private home supported by private gifts and gifts from the State.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2371.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MOODY, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 4565.]

The Committee on Pensions, to whom was referred the bill (S. 4565) granting an increase of pension to Patrick E. O'Connor, have carefully examined the same and report:

The claimant enlisted as a private in Company I, Eighty-eighth Regiment New York Volunteers, August 8, 1861; was subsequently made a lieutenant, and his service in a number of battles was marked by unusual bravery and gallantry; at Fair Oaks, while leading a charge, he was shot through the lungs, the ball passing within a quarter of an inch of the heart, injuring that organ and shattering the spinal process; he was discharged for disability in 1862, but sufficiently recovered to reenlist and served in the Invalid Corps and in the Veteran Reserve Corps until the close of the war.

The evidence before your committee shows that, as a result of injuries received in line of duty, claimant is now unable to perform any manual labor whatever, and on account of the injury to the heart he is unable to perform any continuous mental labor; that he requires constant attention, and is poor.

Your committee believe that this soldier is justly entitled to the relief provided in the bill, and recommend that it do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2372.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MOODY, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 4526.]

The Committee on Pensions, to whom was referred the bill (S. 4526) granting an increase of pension to Ashley Randall, have carefully examined the same and report:

The claimant enlisted as a private in Company I, Eighth Regiment New York Volunteers, Heavy Artillery, January 2, 1864; that while serving with his regiment at Cold Harbor, Va., on June 3, 1864, he received a severe gunshot wound through the upper portion of the right thigh, impairing the motion and power of the leg and producing partial paralysis; for this he was honorably discharged May 31, 1865. The reports of examining physicians show the soldier to be still suffering greatly from this injury; the right knee, the ankle, and several of the toes are weakened, and the leg turns in easily.

The evidence before your committee shows that by exposure in the service this soldier contracted asthma and has suffered constantly therefrom ever since; that this disease is now very distressing, the breathing being labored and claimant frequently in danger of death. Claimant on account of these injuries is totally disabled and requires the constant attendance of another person. He is quite poor and subsists largely by the charity of neighbors.

Your committee are of the opinion, in view of these facts and of the fact that claimant is now in receipt of a pension of but $6 a month, that it is just and right the relief provided in this bill be granted, and recommend that it do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2373.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Agriculture and Forestry, submitted the following

REPORT:

[To accompany S. 1426.]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1426) for the development and encoura ement of silk culture in the United States, under the supervision of the Secretary of Agriculture, beg leave to submit the following report:

Amend said bill as follows:

Strike out on page 1, commencing with the word "for," in line 6, to and including the words "and Idaho," in line 9; same page, placing a period after the word "culture," in line 6 of same page.

Second amendment: Strike out the following words in line 11, page 1, "of the Pacific coast States and Territories."

Third amendment: Strike out on page 2, commencing with the words "the Secretary," in line 10, to and including the words "in said State," in line 15, page 2.

Fourth amendment: Strike out on page 4, commencing with the words "but the Secretary." in line 12 of said page, to and including the words "entitled to a bonus," in line 16 of same page.

Fifth amendment: Strike out the whole of section 4 on page 5.

Sixth amendment: Change the numbering of the sections so that they may be properly numbered.

Seventh amendment: Insert after the word "ninety," on page 6, line 4, the word "ninety-two."

With the above amendments your committee recommend the passage of the bill.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2374.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12581.]

The Committee on Pensions, to whom was referred the bill (H. R. 12581) granting an increase of pension to Joseph Mason, of Company E, Sixth United States Infantry, have examined the same and report:

The facts in this case are substantially stated in the subjoined House report, and your committee adopt it as their own, with the recommendation that the bill do pass with the following amendment:

Strike out the word "twenty" and insert "twelve."

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 12581) increasing the pension of Joseph Mason, have considered the same and report:

The claimant was a private in Company E, Sixth United States Infantry, and served 17 months in the war with Mexico. He is now drawing the Mexican war service pension of $8 per month.

Accompanying the claimant's petition for an increase of his pension is the testimony of Ovet Baldwin, Adam Eckhardt, and Dr. William Prescott, citizens of Hancock County, Ill., setting forth that the claimant is nearly blind from chronic inflammation of the eyes, and that he is 71 years old, and a sufferer from debility and rheumatism to such an extent that he can do no manual labor. It is also shown that he is poor and needy.

The claimant's petition is signed by 84 citizens of Dallas City, Ill., praying that the relief asked for may be granted.

In view of the above-stated facts the passage of the bill is recommended, amended, however, by striking out the word "thirty," in line 7, and substituting in lieu thereof the word "twenty."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2375.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11606.]

The Committee on Pensions, to whom was referred the bill (H. R. 11606) granting a pension to Elizabeth M. Riley, widow of Larken M. Riley, late lieutenant of Company G, Thirty-first Illinois Volunteers, have examined the same and report:

The facts in this case are substantially stated in the subjoined House report, which is adopted as the report of this committee with the recommendation that the bill do pass with an amendment: Strike out the word "eighteen," in line 8, and insert the word "twelve."

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11606) granting a pension to Elizabeth M. Riley, submit the following report:

Larken M. Riley enlisted September 18, 1861, as first lieutenant of Company G, Thirty-first Regiment Illinois Volunteers, and died February 25, 1862, of disease contracted in line of service, leaving said Elizabeth M. Riley his widow, and certain children him surviving; that said Elizabeth M. Riley, September 13, 1863, was married to one Wiley R. Flitcher; lived with him but a short time; was divorced from him and restored to her former name, and her present name is Elizabeth M. Riley, and she is now a widow 72 years of age, and without any means of support; that the records of the Pension Office show a certificate for pension was issued to the children of said soldier January 13, 1874.

Your committee recommend the passage of the bill with an amendment by striking out "at the rate of twenty dollars per month," in the eighth line of said bill.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2376.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4483.]

The Committee on Pensions, to whom was referred the bill granting an increase of pension to Mrs. S. J. Rayner, widow of Rev. James O. Rayner, late chaplain United States Army, have examined the same and report:

Upon an examination of the evidence in this case the committee find the facts clearly stated in the subjoined House report and adopt it as their own, with an amendment: Strike out the word "fifty" and insert "thirty."

[House report No. 3238, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 4483) granting an increase of pension to Sarah J. Rayner, have considered the same and report as follows:

The husband of the claimant, Rev. James O. Rayner, was elected chaplain by post council of administration (act July 5, 1838) and appointed post chaplain U. S. Army April 3, 1867, and served continuously as chaplain U. S. Army until retired February 19, 1887, by operation of law. He died at his home, San Mateo, Cal., June 18, 1888. His widow, the claimant, is a pensioner at the rate of $20 per month.

She applies for increase to $50 per month, declaring that she has no property to afford her any income and that she is in a very helpless condition, unable to walk or to use her hands, from the effects of rheumatism; that she is unable to earn a living or to take care of or dress herself. This throws the burden of support upon her pension, which is insufficient to meet her necessary wants.

Maj. Gen. J. M. Schofield, U. S. Army, in an indorsement submitting, under date of December 20, 1889, a communication received by him from claimant to the Secretary of War, states:

"Mr. Rayner was a very worthy and faithful chaplain in the Army. He was stationed at Angel Island, Cal., several years. In addition to his duties at that post he very cheerfully and zealously fulfilled my wishes by ministering to the prisoners at Alcatraz Island. It appears that his widow is now left helpless and destitute, except for her pension of $20 per month, barely enough to pay the hire of a servant. I trust Mrs. Rayner's pension may be increased so as to provide her absolute necessities during the short remainder of her life."

Under date of November 23, 1889, A. T. Steigers, acting assistant surgeon, U. S. Army, at that time stationed at Alcatraz, Cal., certifies that the claimant is afflicted to such an extent with chronic rheumatism that she is a helpless invalid, unable to walk or use her hands or move without assistance, and that she requires the constant attendance of another person.

In a sworn statement, executed February 5, 1890, John Widney, of Santa Clara, Cal., says he has been the friend, adviser, and assistant of the claimant for years, and knows that her income, outside of her *pension, is small* (perhaps from $6 to $9 per month), and but little *more than sufficient, with her* pension, to pay her nurse

and wood bill, leaving her insufficient to purchase the common necessities of life. She is confined to an invalid's chair and can dress and undress herself only with the assistance of others; also that she deserves and needs help.

Robert Wisnom makes substantially the same statement relative to the claimant's physical and financial condition.

Your committee think she should have her pension increased as prayed.

The passage of the bill is therefore recommended.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2377.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13038.]

The Committee on Pensions, to whom was referred the bill granting an increase of pension to John E. A. Stephens, late a private in Company E, Nineteenth Regiment Illinois Volunteers, have examined the same and report:

The report of the House committee in this case, hereto appended, states the facts correctly, and this committee concurs in said report.

[House Report No. 3632, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13038) granting an increase of pension to John E. A. Stephens, submit the following report:

The claimant herein, at the age of about 19 years, a cooper by trade, enlisted and was mustered in at Chicago, Ill., on July 3, 1861, as a private in Company E of the Nineteenth Illinois Volunteer Infantry, in the war for the Union, and was honorably discharged therefrom on January 31, 1863, on a surgeon's certificate of disability which states that the claimant was wounded at Murfreesborough, Tenn., on December 31, 1862, which rendered him a partial paralytic and incapable of performing the duties of a soldier.

The claimant was pensioned as follows, to wit: At $8 per month from January 31, 1863; at $15 per month from June 6, 1866; at $18 per month from June 8, 1872; at $24 per month from March 3, 1883; and at $30 per month from August 4, 1886, which is the rate at which he is now pensioned.

Subsequently applicant asked a further increase, which was disallowed September 20, 1889, on the ground that he was not entitled to any higher rating than $30 per month under the act of August 4, 1886.

The evidence, including the surgeon's certificate of disability, on which he was discharged, clearly shows that the claimant was wounded at the battle of Stone River or Murfreesborough, Tenn., in action and in the line of duty, on December 31, 1862. The applicant was there wounded in three distinct places, viz: In the left shoulder by a musket ball which has never been removed; in the right leg by a musket ball which broke the fibula, and in the left leg by a musket ball which severely injured it.

Applicant was examined March 23, 1887, at Logansport, Ind., by the full medical board, which reports as follows, to wit:

"Right leg: Missile entered outer side of leg at head of fibula, passed downward and backward, and came out at lower part of belly of gastrocnemius. Fibula is disarticulated and movable at its upper end. Scar of exit is 2 inches long, greatly depressed and adherent, and tissues are dragging on motion, with loss of power and motion in limb. Disability ten-eighteenths, third grade.

"Left leg: Missile entered inner side of leg, 2½ inches below knee, passed downward and backward behind the bones, and came out at lower portion of belly of gastrocnemius. Muscle scars are neither dragged, adherent, or tender. Disability one-fourth.

"As to shoulder:

"Missile entered from behind, striking left shoulder just below the center of spine of scapula, with no scar of exit. Scar is 2½ inches long, with a transverse diameter of 1 inch, deeply depressed and adherent. All the muscles of shoulder, arm, and forearm are greatly atrophied. Arm measures 1 inch less than its fellow of corresponding points. There is a great loss of power. He can, by a great effort, pick up a pencil or small object, with the thumb and left finger, but can make no use of them when in his hand. He is unable to use the hand in eating, as he can by bending the head forward, by a great effort, only get the hand to the mouth. Has fairly good motion to elbow, but motion to shoulder is limited to about 20 degrees in any direction. There is almost complete paralysis of the sensory and motor nerves of the hand, which is swollen and puffy. No anchylosis of any of the joints. Loss of motion evidently depends on injury to nerves and partial paralysis. He is unable to use the hand in eating, dressing, or for any other purpose, and the disability is due to injury of the brachial plexus of nerves from gunshot wound of shoulder. There is total disability of the left hand."

A subsequent examination by the full medical board at Fort Wayne, Ind., July 31, 1889, fully confirms the previous report herein, and adds that the shoulder wound is painful on slight pressure, and rates him at second grade.

The evidence of applicant and his neighbors show that he is about 49 years of age, wholly unable to labor, has a family, can walk but little, and that with the aid of a cane or crutch, owns 60 acres of poorly improved land near Van Buren, Grant County, Ind., of the value of $1,000, but mortgaged for $250, has to hire the work done on his said land, which barely pays expenses of running and taxes, is indebted otherwise about $300, suffer constantly from pain caused by his wounds, and that his present pension is inadequate to his support.

Therefore your committee recommends the passage of the bill, amended, however, by striking out the word "seventy-two," in line 8, and by inserting the word "forty-five" in lieu thereof; and amended, also, at the close of the bill by adding after the word "receiving" the further words "and also subject to the provisions and limitations of the pension law as to the right of increase of pension for any increase of the disabilities for which he is now pensioned," so as not to prevent his right to increase or increase of disability.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2378.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11582.]

The Committee on Pensions, to whom was referred the bill (H. R. 11582) granting a pension to Elizabeth M. Hollingsworth, widow of Noah Hollingsworth, late a private in Company A, Eighth Iowa Cavalry Volunteers, have examined the same, and report:

The facts in this case are correctly stated in the appended House report, and is concurred in by this committee.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11582) granting a pension to Mrs. Elizabeth M. Hollingsworth, submit the following report.

The husband of claimant, Noah Hollingsworth, was a private soldier in Company A, Eighth Iowa Cavalry, who died while in the service, in 1863. The claimant, his widow, was on the pension roll until 1868, at which time she remarried. The facts set forth in the evidence clearly indicate that her remarriage was a fraudulent one. Claimant in her allegations, which is corroborated by other witnesses, makes affidavit that a man known as Josiah Trague engaged her to do his washing and sewing, by which means she was occasionally thrown into his company; that the said Trague was a good converser and made himself very agreeable to her, and by his flattery induced her to marry him on a short acquaintance of only 3 months; that very soon after her remarriage it became evident that Trague had married her for the purpose of getting hold of what little property she possessed. Claimant mildly remonstrated, at which he became very abusive and in less than 2 months after their marriage Trague took her mare, worth $200, and left for parts unknown.

After Trague's departure claimant learned from four different parties that he, Trague, had several living wives. Several years after, claimant was informed that Trague was living with a Spanish woman in Lower California. Claimant made application and was granted a decree of divorce by the district court in Labette County, Kans., in the year 1873. A cirtificate of the clerk of the circuit court of Vermillion County, Ind., shows that claimant was married to Noah Hollingsworth, the deceased soldier, February 3, 1846. She is now old and without means of support, and is shown to have the confidence and respect of the community where she resides.

Your committee report favorably and recommend the passage of the bill.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2379.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11474.]

The Committee on Pensions, to whom was referred the bill (H. R. 11474) granting a pension to Eliza Philbrook, late widow of Albert Philbrook, late private of Company F, Fourteenth Illinois Cavalry Volunteers, have examined the same and report:

That they have examined the case fully and find the facts as stated in the House report, and adopt the views therein expressed as the views of the committee.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11474) granting a pension to Eliza A. Phelbrook, submit the following report:

The committee find from the testimony that the complainant was a pensioner of the Government as the widow of Albert Phelbrook, late a private in Company F, Fourteenth Regiment Illinois Cavalry Volunteers, who died in Andersonville prison April, 1865; that on the 17th day of April, 1867, she married one Robert F. Young, who deserted her about 1875, and that on the 8th day of March, 1890, she was divorced from said Young and allowed by the court to retain her former name. She is now 63 years of age, has no means of adequate support, and is unable to labor because of her physical condition, and there is no person legally bound to support her. We therefore recommend that the bill do pass, with the name Phelbrook amended to "Philbrook," and the title similarly amended.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2380.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13117.]

The Committee on Pensions, to whom was referred the bill (H. R. 13117) granting a pension to Mary J. Best, widow of Nathaniel Best, of Company K, First Maryland Volunteers, and Company K, Thirteenth Maryland Volunteers, have examined the same and report:

The facts in this case, as stated to the House, are as folows:

This claimant is the widow of Nathaniel Best, who enlisted in the First Regiment of Maryland Volunteers. At the time of his death he had a claim pending for a pension, but owing to his removal West he was unable to prove technically the incurrence and continuance of the disability. His widow filed her claim for pension which was rejected by the Department on the ground of absence of testimony proving incurrence of disability in the service, and in the line of duty. The soldier suffered for 15 years from heart disease, and died from it, the disease being the result, as he endeavored to prove, of rheumatism incurred in the line of duty in the construction of military earthworks. The soldier died in absolute want, leaving a widow and six children, at least four of whom are under 14 years of age.

The committee therefore adopt the House report, in which the above facts are stated, and recommend that the bill be passed.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2382.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12628.]

The Committee on Pensions, to whom was referred the bill (H. R. 12628) granting a pension to Mrs. Edelyn Spalding, as widow of Charles Spalding, first lieutenant in Second Regiment of Dragoons, U. S. Army, have examined the same and report:

The committee, after a careful examination of this case, concur in the House report attached.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 12628) granting a pension to Mrs. Edelyn Spalding, have given the same due consideration and report:

The claimant's late husband, Charles Spalding, deceased, was appointed first lieutenant Second Dragoons, U. S. Army, June 11, 1836. He joined his regiment in July, 1836, and served therewith in Florida in the campaign against hostile Seminole Indians until December 15, 1837, when he resigned.

H. C. Muroe and H. V. Kell, citizens of Washington, D. C., testify that Mrs. Spalding is over 70 years old and nearly blind; also that she is without property or income, and is dependent upon others for support.

There are numerous precedents for the proposed legislation, and your committee therefore return the bill with a favorable recommendation, with an amendment to allow a pension at the rate of $12 per month.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2383.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 2996.]

The Committee on Pensions, to whom was referred the bill (H. R. 2996) granting a pension to Martha J. Spencer, of Trumbull, Ashtabula County, Ohio, have examined the same and report:

Your committee have examined the case fully and adopt the views expressed in the House report hereto attached, with the recommendation that the bill do pass.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2996) granting a pension to Martha J. Spencer, submit the following report:

The proposed beneficiary entered the hospital service as nurse at Camp Chase, Ohio, June 20, 1863, and thereafter served in different hospitals until August 8, 1865, as appears from the report of the War Department. Her health became much impaired by reason of her long and faithful services, and she has been under medical treatment ever since her discharge suffering from diseases of liver and stomach.

Being now well advanced in years, without sufficient income to maintain her properly and pay for medical attendance, she asks that Congress place her on the same footing as others who performed like services.

Your committee, from the evidence before it, believe the case to be meritorious, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out the words "twenty-five," in line 6, and insert therein instead the word "twelve."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2384.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12585.]

The Committee on Pensions, to whom was referred the bill (H. R. 12585) granting an increase of pension to Lafayette Soper, late of Company A, Eleventh Vermont Volunteers, have examined the same and report:

Your committee have examined the case carefully and find the facts as stated in the House report, and concur in the views therein expressed.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12585) increasing pension of Lafayette Soper, of Morrisville, Vt., submit the following report:

The committee has considered same and finds that Lafayette Soper was a member of Companies A, Eleventh Vermont Volunteers and First Vermont Artillery.

He lost his left foot in the service and draws a pension for it of $30 a month. He received a sunstroke in service also, for which he does not receive pension. When he lost the foot his weight was 160 pounds and it has increased till he weighs 215 pounds, and that burden on the right limb has permanently injured it so that the knee is weak and of little use, which renders him unable to move about very much. Added to this he has become entirely blind in one eye and nearly so in the other, and is obliged to have the constant care and attention of another person. His combined disabilities seem to render him a proper person for increase of pension which the bill provides.

He is every way worthy, and all the statements of this report are abundantly attested by the affidavits of two surgeons and several neighbors.

Committee recommend that the bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2385.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11118.]

The Committee on Pensions, to whom was referred the bill (H. R. 11118) granting a pension to Ruth McAnnally, widow of Alexander Nasmyth, late second lieutenant in Company B, Forty-seventh Ohio Volunteer Infantry, have examined the same and report:

After examining the evidence in this case the committee find the facts as stated in the House report appended hereto, and adopt it as their own.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11118) to place the name of Ruth McAnnally on the pension roll, submit the following report:

The proposed beneficiary was the widow of Alexander H. Nasmyth, late second lieutenant, Company B, Forty-seventh Ohio Volunteers, who died March 12, 1876, of disease contracted during his 3 years' service. She was a pensioner until her remarriage with one Horace McAnnally, who died in 1889. The minor children of the soldier drew pension until they respectively attained the age of 16 years.

Hon. Mr. Williams, of this House, states:

"I personally know her remarriage to Horace McAnnally was unfortunate. He failed in business and in health, and his death has left her without any means of support except her daily labor. She is a lady of good character and raised the children of Lieutenant Nasmyth, who are all girls, to be highly respected young ladies, reasonably well educated, and who aid their mother as much as is in their power."

The case comes within the well-established rules of the House. Therefore your committee report favorably on the accompanying bill and ask that it do pass.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2386.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 1202.]

The Committee on Pensions, to whom was referred the bill (S. 1202) granting a pension to Elizabeth M. Morgan, have considered the same and report:

The petitioner, Elizabeth M. Morgan, is the widow of Robert C. Morgan, who was a captain in the Mexican war and from 1862 to 1868 captain and assistant quartermaster of United States Volunteers. Captain Morgan for years before his death was a sufferer from inflammatory rheumatism and died on January 2, 1884, as the result of that disease. During the last years of his life he was a great sufferer and required the constant attendance of his wife and the expenditure of the entire savings of both. His widow is now broken down in health, destitute, dependent, and almost totally deaf.

There is a large amount of testimony to the sterling character and faithful services of Captain Morgan, including letters from Governor John A. Dix and Abram S. Hewitt, and sufficient medical and other evidence to sustain the belief that Captain Morgan's death was the direct result of exposure in the service.

Dr. Charles D. Maxwell, of Washington, D. C., under date of August 8, 1888, testifies that he attended Captain Morgan from 1879 until his death, which resulted from heart failure caused by protracted rheumatic seizures.

Dr. P. Bryson Woods, of Baltimore, under date of August 17, 1888, states that he was one of the physicians attendant upon Captain Morgan, and that his death was caused by heart failure due to rheumatism, and adds:

> These conditions were always attributed and can easily be traced to exposure while doing duty in the Mexican war.

Gen. John P. Hatch, U. S. Army, in a letter dated August 11, 1888, states that he knew the deceased from boyhood until his death, that previous to his service in the Mexican war he was a healthy man, and that from the time of his discharge until his death he was subject to severe attacks of rheumatism.

A memorial signed by Admirals Rowan and Ammen, Commodore Harmony, Doctor Maxwell and others, presents facts touching Mrs. Morgan's destitution and incurable deafness.

Your committee therefore report the bill favorably and recommend that it do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2387.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 1474.]

The Committee on Pensions, to whom was referred the bill (S. 1474) granting a pension to Philos G. Cook, having considered the same, would respectfully report as follows:

The claimant, Philos G. Cook, in his affidavit states that he was chaplain of the Ninety-fourth New York Volunteers during the war of the rebellion. That he is suffering from lung and bronchial troubles and a double inguinal hernia developed and made permanent by exposure at the battles of Fredricksburgh, Chancellorsville, and Gettysburgh as well as in the various movements of the Army in front of Petersburgh. He is dependent, feeble, and 84 years of age.

The evidence is ample to prove that the claimant contracted serious disability while with unusual fidelity to duty acting as chaplain to his regiment.

Dr. D. C. Chamberlain, late surgeon of the Ninety-fourth Consolidated Infantry, makes affidavit to his personal knowledge of the existence of Chaplain Cook's hernia in 1863, and that he then learned that such rupture was contracted early in the service.

Dr. E. G. Derby, late assistant surgeon Ninety-fourth New York Volunteers, testifies to the disability of Chaplain Cook from inguinal hernia while in the service, and of his refusal to go on the sick list, though in constant suffering.

Lieut. Col. S. A. Moffett, of the same regiment, states that Chaplain Cook shared the hardships, privations, and dangers of the march, and often of the battlefield, with the soldiers and endeared himself to the whole regiment.

Capt. Chas. E. Scoville, of the Ninety-fourth New York Volunteers, writes:

> No more deserving pension can be awarded than the one sought by Chaplain Cook, if meritorious services have earned the same. In every conceivable way he devoted himself faithfully to the physical, moral, and religious welfare of his beloved boys, and thus endeared himself to every man of our regiment.

In view of the faithful and long service of Chaplain Cook, the fact that this disability was contracted in the service, and that he is very old and dependent, your committee would recommend the passage of the bill with the following amendment:

In line 8 strike out the words "seventy-two" and insert "fifty."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2388.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 1869.]

The Committee on Pensions, to whom was referred the bill (H. R. 1869) granting a pension to E. A. Hibbard, widow of E. P. Rollins, late of Company H, Thirty-fifth Iowa Infantry, have examined the same and report:

Upon an examination of the evidence in this case, as presented in the House report, the committee find that the facts do not warrant a favorable report. An adverse report is therefore directed, and the indefinite postponement of the bill recommended.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2389.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12722.]

The Committee on Pensions, to whom was referred the bill (H. R. 12722) granting a pension to Elizabeth R. Lowry, widow of Fielding Lowry, late assistant quartermaster, U. S. Army, have examined the same, and report:

After a careful examination of the evidence in this case the committee find the facts correctly stated in the appended House report, and recommend that the bill do pass.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12722) granting a pension to Elizabeth R. Lowry, submit the following report:

Elizabeth R. Lowry is the widow of Fielding Lowry, who served as captain and assistant quartermaster of volunteers from June 18, 1861, to June 30, 1865. He was on the staff of Generals Schenck, Rosecrans, Wadsworth, and others; acted as chief quartermaster, First Army Corps, and while on duty with the First Division of said corps received injuries from the fall of his horse which disabled him thereafter for active field service. On January 2, 1863, he was admitted to the officers' hospital, Georgetown, D. C., with contusion of perineum, and remained under treatment for several months.

Dr. J. C. Reese testifies that Captain Lowry was a healthy man at entry into service; that on his return from the Army he suffered from asthma, varicose veins, and internal injuries said to have resulted from a fall of his horse, and that his health grew worse until his brain became affected, and finally he committed suicide on November 13, 1882.

Assistant Adjutant-General Breck, U. S. Army, testifies to Captain Lowry's valuable services and his shattered health in the year of 1863.

General Rosecrans also bears testimony to the efficiency of said officer while serving on the former's staff.

Hon. Don Piatt testifies that Captain Lowry came to the service in good health; but that it became impaired by the privations and exposure incident to his assiduous discharge of duty, and that he did not recover after discharge, but, on the contrary, grew worse until the system became shattered and the brain disordered.

The claim of the widow has been rejected because the evidence is not deemed sufficient to connect the insanity with the service. While the record shows treatment for the aforesaid injury and also for other ailments, yet the death of the late Surgeon-General Woodward, under whose care Captain Lowry was placed, precludes the possibility of further information as to the extent of said injury.

Your committee, however, believe that the claim is meritorious and that the long and valuable services of this officer entitle his widow to a favorable consideration of Congress, in particular as her needy condition calls for assistance, and therefore return the bill with the recommendation that it do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2390.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12798.]

The Committee on Pensions, to whom was referred the bill (H. R. 12798) granting an increase of pension to William Martin, a veteran of the Mexican war, have examined the same and report: Upon an examination of the evidence in this case the committee find the facts clearly set forth in the appended House report, and adopt it as their own.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 12798) granting an increase of pension to William Martin, have given the same due consideration and report:

The claimant served as a private in Company C, First Michigan Volunteers, in the Mexican war, and while in Mexico received in the line of his duty an injury of the left foot, for which he is now receiving under the general pension laws a pension at the rate of $30 per month.

On the 22d of November, 1889, Mr. Martin made application to the Pension Bureau for an increase of the above-named pension, and in connection therewith he was ordered for examination before Drs. J. H. Crabbs, R. C. McDonald, and N. H. Brown, who compose the board of pension examining surgeons at Fremont, Nebr. The examination was held September 3, 1890, and the following is quoted from the report of the same.

"The claimant is 81 years old; inspection shows a notable deformity of foot—shortening of 2 inches. We find an old dislocation of the two inner metatarsal bones which override the tarsus in such a manner that the weight of the body is thrown on end of metatarsal bone of great toe; arch of foot entirely destroyed; metatarsal bones are situated at an angle of about 45°. The great toe stands at a right angle with metatarsal bone.

"Examination of heart shows the sounds weak and *intermission;* has recurrent attacks of vertigo so that he requires constant oversight of an attendant. The latter facts are known to both Drs. Crabbs and Brown, who have attended him. The applicant also suffers from chronic diarrhea, for which he has also consulted Drs. Crabbs and Brown.

"He is, in our opinion, entitled to $50 per month for the sum of his disabilities."

The claim for increase was rejected by the Pension Office November 8, 1890, on the ground that old age and disabilities not included in his certificate were partially responsible for his condition.

Accompanying the bill is the statement of Hon. Geo. W. E. Dorsey, M. C., as follows:

"I have known Mr. Martin for the last 20 years; he is 82 years old, partially paralyzed, and totally helpless, requiring the constant aid of an attendant. He is very poor, having expended in his maintenance up to the present time all he had accumulated."

In view of the facts above stated your committee are of the opinion that the case is a proper one for Congressional action. The passage of the bill is therefore recommended with an amendment *to fix the rate of pension* at $50 per month.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2391.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 6558.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6558) to remove the charge of desertion against Frank W. Morgan, have had the same under consideration and submit the following report:

Frank W. Morgan enlisted in Company G, Fourteenth Infantry, as a musician, on February 14, 1865, for a term of 3 years. On May 7, 1865, he was admitted to Armory Square General Hospital, Washington, D. C., and treated to June 29, 1865, for acute diarrhea. He was transferred from that hospital to Fort Trumbull, Conn., and from July 3 to 5, 1865, was treated in the post hospital for intermittent fever. On July 5, 1865, he deserted, going to his home in the neighboring town of Ledyard, and remaining there. He was only 12½ years old when he enlisted, and his long continued sickness had made him what he calls "a played-out boy." The war was over and so he remained at home. This statement is corroborated by the affidavit of the physician, who has known him ever since the war. His service in the Army was marked by almost continuous sickness, and the committee believe it would be an act of justice to grant the relief asked for in the bill.

The committee recommend that the bill pass as amended.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No 2392.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 5063.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5063) for the relief of Charles W. Lambert have had the same under consideration, and adopt the following report of the House.

The War Department records show that Charles W. Lambert was enrolled September 4, 1862, for 3 years in Company F, One hundred and fifty-second New York Volunteers, and served until February 9, 1863, when he is alleged to have deserted and never returned. The War Department records further show that Charles W. Lambert was enrolled September 4, 1863, for 3 years in Company G, First Michigan Volunteer Sharpshooters, and served until June 24, 1865, when he was mustered out of the service.

The claimant states that when he absented himself from Company F, One hundred and fifty-second New York Volunteers, without leave, he was sick and unfit for duty, and went to his parents at Chicago, and was there sick and unfit for duty until September 7, 1863, when he enlisted in Company G, First Michigan Volunteer Sharpshooters, under his own name. He alleges that he did not return to his former regiment because he was afraid to do so after being absent so long without leave.

The claimant further deposes and says that it is impossible for him to get medical evidence as to his physical condition while absent from his command at Chicago, and that it is impossible for him to obtain other evidence of persons who knew him at Chicago at that time, his parents having since died.

Evidence is furnished, however, of a former comrade in the company and regiment from which the claimant is alleged to have deserted, that he was sick and unfit for duty when he left the Army, and that he had been sick a month previous to the time of his leaving; also of a neighbor, who is the present postmaster of the town in which he resides, who states that he has been intimately acquainted with the claimant for 30 years, that he is a worthy citizen and honorable man, and that his reputation for truth and varacity can not be questioned.

He was absent 5 months and 21 days. If he had been absent only 4 months his case would have come within the new law and he could have obtained relief from the War Department.

The committee recommend that the bill pass.

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51ST CONGRESS, 2d Session. } SENATE.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 5083.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5083) for the relief of Harry S. Kellogg, administrator of the estate of Lyman M. Kellogg, have had the same under consideration, and submit the following report:

Lyman M. Kellogg graduated at West Point in 1852. He was a captain in the regular Army, and was summarily dismissed the service in 1862 upon charges that were afterwards found to be ill founded and erroneous. In 1864 partial reparation was made. By order of the President the order of dismissal was revoked, Captain Kellogg was restored to his former position, rank, and regiment, and it was ordered that his name should appear on the Army Register as if he had not been dismissed. He resigned in 1870, and died in 1887.

The purpose of this bill is to give the sum of $2,537.50 to the administrator of Captain Kellogg, which is the amount which would have been received by Captain Kellog had be remained continuously in the service.

A subsequent decision of the Supreme Court declared unconstitutional the action of the President in a similar case. Captain Kellogg could have been returned to the Army only by a nomination confirmed by the Senate. But this irregularity does not enter into the consideration of the case. Many cases have come under the consideration of the committee where officers have been restored to the Army, but in no case has the committee recommended that money be paid for the period the officer was out of the service. This policy is undoubtedly sound and has never been departed from.

The committee therefore in this case recommend that the bill be indefinitely postponed.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2394.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany joint resolution (S. R. 162) to print 54,000 copies, in cloth binding, of the Sixth Annual Report of the Commissioner of Labor, relating to the cost of production, earnings, efficiency of labor, and cost of living—26,000 copies for the House, 13,000 copies for the Senate, and 15,000 copies for the Department of Labor, the latter to be wrapped for mailing.]

The Committee on Printing, to whom was referred the above joint resolution, report it back with amendments, and as thus amended recommend its passage.

PROPOSED AMENDMENTS.

1. In line 3, strike out "fifty-four" and insert "twenty."
2. In line 6, strike out "twenty-six" and insert "ten."
3. In line 7, strike out "thirteen" and insert "five."
4. In line 8, strike out "fifteen" and insert "five."
5. Strike out all after the word "Labor," in line 9, down to and including the word "direct," in line 11.
6. Strike out all after the word "report," in line 3, down to and including the word "labor," in line 6, section 2.
7. In line 1, section 2, after word "of," insert "$18,500."

The accompanying letter from Commissioner of Labor is submitted and made a part of this report.

DEPARTMENT OF LABOR,
Washington, D. C., February 14, 1891.

DEAR SIR: I have the honor to inform you that the President will transmit to Congress to-day our sixth annual report, which report relates to the cost of producing iron and steel, and the materials of which iron is made, in the United States and Europe, and the earnings, the efficiency, and the cost of living of the men employed in such production.

I hand you herewith the customary joint resolution providing for printing and binding this report.

I have labored in season and out to secure an earlier transmission, but the difficulties attending the work have prevented. I trust, therefore, that while this report is laid before Congress at a late day, you will introduce and pass the resolution providing for its printing and binding. It is an exceedingly important report, nothing of the kind ever having been prepared by any Government. It is made in obedience to express instructions of Congress, and the demand for it from iron and steel producers everywhere indicates its value in such industries. The report will make about 1,400 pages, and is four-fifths statistical matter.

I have handed the chairman of the Committee on Printing of the House a copy of the inclosed joint resolution.

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner.

Hon. CHARLES F. MANDERSON,
Chairman of the Committee on Printing, United States Senate.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2395.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany joint resolution (H. Res. 287) authorizing the printing of 100,000 additional copies of the Special Report on Diseases of the Horse, prepared under the supervision of the Chief of the Bureau of Animal Industry; 20,000 copies for the Senate, 70,000 copies for the House, and 10,000 copies for the Department of Agriculture.]

The Committee on Printing, to whom was referred the above joint resolution, having considered the same, report it back with certain proposed amendments, and thus amended would recommend that it do pass.

PROPOSED AMENDMENTS.

1. In line 3 strike out the words "one hundred" and insert "twenty."
2. In line 6 strike out the word "twenty" and insert "five."
3. In line 7 strike out the word "seventy" and insert "ten."
4. In line 8 strike out the word "ten" and insert the word "five."
5. In line 1, section 2, strike out the words "one hundred and five" and insert "twenty."

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2396.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 1323.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1323) to clear the military record of George S. Coyle, having considered the same, report as follows:

Upon the facts set out in the subjoined report of the Committee on Military Affairs of the House of Representatives, dated February 18, 1891, the military record of Lieutenant Coyle should be corrected, but the committee are of opinion that the bill should be amended by striking out all after the enacting clause and inserting the following:

That the Secretary of War be, and he hereby is, authorized and directed to revoke and set aside so much of General Orders No. 195, War Department, Adjutant-General's Office, November 24, 1862, as dismisses G. S. Coyle, lieutenant, Second Kentucky Volunteers, from the service of the United States for absence without leave, and to issue to him a certificate of honorable discharge as of November 22, 1862.

Amend the title so as to read:

An act to correct the military record of George S. Coyle.

Your committee recommend that these amendments be made and that the bill pass when so amended.

HOUSE REPORT:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1323) to clear the military record of George S. Coyle, submit the following report:

George S. Coyle was a second lieutenant of Company H, Second Kentucky Cavalry, having been mustered into the service September 9, 1861. He is reported as present on the rolls of the company to August 31, 1862, but was by General Orders No. 195 dismissed the service for being absent from his command without leave, to date from November 22, 1862. The facts seem to be that Lieutenant Coyle, who was sick, was in an ambulance, and was thrown out accidentally and injured. This was near Woodsonville, Ky. He was taken to that place early in September, 1862; and was sent from there to the hospital at Louisville, and obtained "a sick leave" for 20 days. He went to Cincinnati in company with some brother officers, and whilst he was away an order was issued by General Boyle ordering all officers, either sick or well, not on duty, to rejoin their regiments. This order, it seems, was published in the newspapers at Louisville. This notice never was seen by Lieutenant Coyle, but as soon as he heard of the order, which revoked all leaves of absence, he rejoined his regiment, but being in no condition to do military duty, he was ordered back to the officers' hospital at Louisville, under an order reading as follows:

"To be sent to General hospital for officers at Louisville, Ky., Lieutenant Coyle, Company A, Second Kentucky Cavalry. *Disease*, necrosis of bone of thumb; treatment, palliative.

"It is seemed best to send this officer to General hospital, as the treatment of his case is attended with much pain and inconvenience in camp.

"(Signed) J. Y. FINLEY,
"*Surgeon Second Kentucky Cavalry.*

"Approved.—C. S. MASCROFT,
"*Medical Director, Third Division.*"

Under this order Lieutenant Coyle returned to Louisville, Ky., and was received in the hospital, as will be seen from the following report of the Surgeon-General of the Army:

"SURGEON-GENERAL'S OFFICE,
"RECORD AND PENSION DIVISION,
"*Washington, D. C., April* 18, 1880.

"[Transcript from records.]

"It appears from the records filed in this office that Second Lieutenant George S. Coyle, Company H, Second Kentucky Cavalry, was admitted to officers' General Hospital, Louisville, Ky., December 12, 1862, diagnosis "thumb," and returned to duty February 5, 1863.

"No records of the regiment on file.

"By order of the Surgeon-General.

"J. J. WOODWARD,
"*Surgeon, U. S. Army.*"

Although Lieutenant Coyle was dismissed the Army, to date from November 22, 1862, it is shown that he had no knowledge of the fact or that he had been guilty of any breach of military discipline. Pending an application for pension the case was referred to Special Examiner of the Pension Office A. C. Welch, now one of the official stenographers of the House, who, after full investigation, reported on this point:

"It is clear from the records of hospital treatment and Dr. Finley's certificate sending soldier to officers' hospital that claimant was not informed of his dismissal from the service until he returned to his regiment in 1863."

An examination of the record fails to show any willful neglect of duty on the part of this officer. It is but just that Lieutenant Coyle should be relieved, and the bill is therefore reported back with the recommendation that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2397.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate concurrent resolution authorizing the printing of 700 additional copies of the Report of the Board of Sanitary Engineers of the District of Columbia upon the sewerage of the District, for the official use of the Commissioners of the District of Columbia.]

The Committee on Printing, to whom was referred the above concurrent resolution, having considered the same, report it back with recommendation that it do pass.

The accompanying letter, addressed to the chairman of this committee by the captain of engineers, and assistant to the Engineer Commissioner, is submitted and made a part of this report.

The cost of the printing will be $574.

WASHINGTON, D. C., *February* 7, 1891.

DEAR SIR: The Commissioners of the District of Columbia are in receipt of numerous applications from municipal officers and civil engineers throughout the country for copies of the "Report of the Board of Sanitary Engineers on the sewerage of the District of Columbia." This board was appointed by the President in compliance with a provision in the act of March 2, 1889, making appropriations for the support of the government of the District of Columbia. The report is very full and carries with it detailed estimates.

The members of the board have asked to have 200 copies sent them for distribution to prominent authorities on drainage and sanitary matters in this country and in Europe. As the amount of money required to suitably complete the sewerage system of the District of Columbia is quite large, and as our plans looking to such completion should receive the fullest criticism, it is decidedly for the public interest that the report should be widely distributed among engineers and other municipal officers.

The Commissioners have requested Congress to have printed 500 copies for the use of the government of the District of Columbia, and the board of sanitary engineers (Messrs. Hering, Gray, and Stearns) have asked for 200 copies for their own use. It is, therefore, highly desirable that a concurrent resolution be passed as soon as practicable, providing for the printing of 700 additional copies of the report in question, for the official use of the Commissioners of the District of Columbia, 200 copies to be for the use of the board of sanitary engineers.

Very respectfully,

JAS. L. LUSK,
Captain of Engineers,
Assistant to Engineer Commissioner District of Columbia.

Hon. CHAS. F. MANDERSON,
Chairman Committee on Printing, United States Senate.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2398.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate Resolution authorizing the printing of 95,000 extra copies of Senate report No. 2267, for the use of the Senate.]

The Committee on Printing, to whom was referred the above Senate resolution, report it back with the recommendation that there be printed as many extra copies of the report as can be printed for $500. The estimate of the Public Printer is that 95,000 additional copies can be printed for that sum, hence that number has been inserted in the resolution, which the committee recommend do pass.

This report is to accompany S. 4528, a bill to provide the Government with means sufficient to supply the national want of a sound circulating medium, and appears to be intended to supply a paper legal-tender currency by permitting any owners of land to give a lien upon the same for 20 years to the United States Government, for which the mortgagor is to receive legal paper currency and be charged 2 per cent. interest thereon.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2399.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate concurrent resolution authorizing the printing of 46,000 copies of the Seventh Report of the United States Civil Service Commission, 2,000 copies for the Senate, 4,000 copies for the House, and 40,000 copies for the use of the Civil Service Commission.]

The Committee on Printing, to whom was referred the above concurrent resolution, report it back with certain proposed amendments and thus amended recommend that it do pass.

PROPOSED AMENDMENTS.

In line 3 strike out "forty-six thousand" and insert "thirty-one thousand."

In line 11 strike out "forty thousand" and insert "twenty-five thousand."

The number of copies provided in the resolution for the Senate and House is the same as heretofore printed, but the number of copies proposed for the use of the Commission is larger by 15,000 copies than were printed of the 1889 report.

The committee are of the opinion that the proposed increase is unnecessary, and that the number heretofore printed had better be adhered to.

The cost of printing 31,000 additional copies will be about $750.

51ST CONGRESS, 2d Session. } SENATE. { No. 2[illegible].

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate resolution authorizing the printing of 5,000 additional copies of Senate Mis. Doc., No. 37, second session, Fifty-first Congress.]

The Committee on Printing, to whom was referred the above Senate resolution, report it back with the recommendation that it be indefinitely postponed.

The document is a memorial of the Chamber of Commerce, of Portland, Oregon, referring to the Torrey bankrupt bill.

The cost would be $12.50.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2401.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate concurrent resolution to print the Consolidated Index of the Senate and House Documents of the Forty-seventh, Forty-eighth, and Forty-ninth Congresses.]

The Committee on Printing, to whom the above concurrent resolution was referred, having considered the same, report it back with the recommendation that 500 copies of the Index be printed.

The work of indexing as above was authorized and appropriated for in the sundry civil bill, approved October 2, 1888, and was done by the Librarian of the Senate. The printing and binding in leather of 500 copies will cost about $5,000.

There is no consolidated index of Senate and House documents. The indexes of the House documents from the First to the Fourteenth Congress are contained in document No. 163 of first session Eighteenth Congress, and are not consolidated. The index to the House documents from the Fifteenth, Sixteenth, and Seventeenth Congresses are contained in a document printed by order of the House in 1823, and has no number. The index to the House documents (including reports) from the Eighteenth to the Twenty-first Congresses, is contained in a volume published in 1832 by order of the House, made February 11, 1831. This is a consolidated index, but very imperfect.

The documents of the House from the Twenty-second to the Twenty-fifth Congress were published by resolution of the House of March 31, 1837, and contained in a document without a number. This is a consolidated index.

The executive documents of the House from the Twenty-sixth to the Fortieth Congress, inclusive, are indexed in consolidated form. This work was performed by Edward McPherson, clerk of the present House of Representatives, and was published in 1870. The House reports from the Twenty-sixth to the Fortieth Congress were indexed in consolidated form by the same person in 1869 and has no number. It does not appear from the records that the work was done by authority of the House of Representatives.

The indexes to all Senate documents are in the front of the volumes as they are issued. But there is no consolidated index of Senate documents from the First Congress.

The miscellaneous documents of the House have never been indexed at all, except as found in front of the volumes.

The consolidated index proposed to be printed by the resolution takes up the work of indexing at the first session of the Forty-seventh Congress, where the descriptive catalogue of Government publications prepared by Ben: Perley Poore leaves off. The latter index covers Government publications from the First to the Forty-sixth Congress, or at least it was intended to do so.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2402.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

The report of Lieut. George M. Stoney, U. S. Navy, dated May 31, 1887, covering the several expeditions under his command for the exploration of northern Alaska, was transmitted to the Senate February 17, 1890, by the Secretary of the Navy, in compliance with the resolution of the Senate of February 13, 1890, and laid before that body by the President of the Senate February 18 and referred to the Committee on Printing. The said committee having considered the report recommend that it be printed, and a concurrent resolution for that purpose is herewith submitted. The Secretary of the Navy requests that 1,000 extra copies of the report be printed for the use of that Department. The committee would recommend that 4,000 extra copies be printed, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 1,000 for distribution by the Secretary of the Navy.

The cost of the printing as estimated by the Public Printer is as follows: For the usual number of copies, $691.35, and for 4,000 additional copies, bound in cloth, $1,854, or $2,545.35 for the whole.

Under date of May 7, 1890, the Secretary of the Navy says:

> I consider it highly desirable that the report should be printed, and that its value justifies the expense.

His letter is submitted with this report.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2403.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate concurrent resolution authorizing the printing and binding of 1,200 additional separate copies of each of the appendices to each of the annual volumes of the observations of the Naval Observatory for the years 1886, 1887, and 1888, for the use of the Naval Observatory.]

The Committee on Printing, to whom was referred the above resolution, report it back with the recommendation that it do pass.

The printing is recommended by the Secretary of the Navy in a telegram dated February 4, 1891, herewith submitted and made a part of this report. A letter from Captain McNair, Superintendent of the Naval Observatory, is also submitted and made a part of this report.

The total cost will be about $4,000.

NAVY DEPARTMENT, *February* 4, 1891.

Hon. C. F. MANDERSON:

In reply to your telegram of this date I recommend the printing of 1,200 separate copies of the appendices of the annual volume of the Naval Observatory for 1886, 1887, and 1888.

B. F. TRACY,
Secretary.

U. S. NAVAL OBSERVATORY,
Washington, December 5, 1890.

The CHAIRMAN OF THE SENATE COMMITTEE ON PRINTING AND BINDING:

SIR: I have the honor to submit to your attention the inclosed draft of a proposed concurrent resolution whose substance I would respectfully recommend be embodied in legislation, for the following reasons:

The printing of the complete annual volumes of observations for the years 1886, 1887, and 1888, which will contain the appendices referred to in the proposed resolution, was authorized by a concurrent resolution of the Senate of the second session of the Fiftieth Congress, which resolution passed the House of Representatives January 8, 1889. It would seem fitting that the separate copies of the appendices to the same volumes should be printed under the same auspices.

The distribution by the Naval Observatory of the 800 copies of the complete annual volume of observations is mostly confined to public and college libraries and to exchanges with other observatories and scientific institutions, while the separate copies of the appendices (which contain the condensed results of observations and investigations, and which are issued a considerable time in advance of their complete volumes) are distributed mostly to individuals—astronomers, mathematicians, and physicists—to whom it is of importance that they receive these published results as promptly as possible.

With the rapid progress of astronomy and its allied branches of science the number of able workers in these fields increases in a corresponding degree, and the exchange list of those who receive these appendices from the Observatory has grown so rapidly in the last few years that the number of copies needed makes too great a demand upon the printing fund of the Navy Department, which has heretofore borne the expense, and the progress of the printing has been much delayed in consequence. The passage of the inclosed resolution will allow this important work to proceed without interruption as the material is made ready for the printer.

The estimated approximate cost of the 1,200 copies of the appendices to these three annual volumes (as nearly as it can be estimated from the volumes already published) will be about $4,000.

I trust that this matter may receive your early and favorable consideration.

I am, very respectfully, your obedient servant,

F. V. McNAIR,
Captain U. S. N., Supt. Naval Observatory.

NAVY DEPARTMENT,
Bureau of Equipment, December 5, 1890.

Approved and forwarded.

GEO. DEWEY,
Chief of Bureau.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2404.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate concurrent resolution providing for the printing and binding of 15,000 extra copies of the Special Report on the Diseases of the Horse.]

The Committee on Printing, to whom was referred the above resolution, report it back with the recommendation that it be indefinitely postponed.

The reason for this recommendation is that the House of Representatives has passed a joint resolution to print the same special report proposed to be printed in this resolution.

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51ST CONGRESS, 2d Session. } SENATE. } No. 2405.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 10535.]

The Committee on Pensions, to whom was referred the bill (S. 10535) granting a pension to Myron A. Hudson, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10535) granting a pension to Myron A. Hudson, have examined and considered the same.

The said Myron A. Hudson was the son of Josiah B. Hudson, private in Company I, Twenty-sixth Regiment Iowa Infantry, who died in service in 1864.

A pension was granted to Myron A. Hudson, as dependent son, and was paid to him until he arrived at the age of 16 years, and it is now shown by a strong array of testimony, medical and otherwise, that said Myron A. Hudson has been an invalid all his life, afflicted with chronic inflammation of both eyes, so that he has been prevented from doing much if any labor, and that he is now entirely unfit so to do, and is almost blind, and that oculists pronounce his disease incurable; and it is also further shown that he is entirely without means of support, and on account of his condition is unable to make a living for himself.

This relief under the circumstances is entirely in the line of precedent, and your committee recommend the passage of the bill.

The bill is reported favorably with a recommendation that it do pass

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2406.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 10339.]

This bill directs the removal of the charge of desertion from the record of Peter Weber, late private in Company E, Fiftieth Regiment Wisconsin Volunteers, and issue to him an honorable discharge to date August 25, 1865. In the House the following report was made, to wit:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10339) for the relief of Peter Weber, have considered the same and submit the following report:

The soldier enlisted in March, 1865, in Company E, Fiftieth Wisconsin Volunteers, and served faithfully until August 25, 1865, at which date he was stationed at Fort Leavenworth, Kans. He then received word that some member of his family was seriously ill at home and in need of his presence. Failing to get a furlough, he went home without the formality of a discharge or proper leave from his superior officers. His child soon after died, as is shown by the evidence furnished your committee.

The petitioner has since become almost totally blind and very poor.

Your committee do not think this man should be perpetually debarred from the benefits of the pension laws in his old age, poverty, and blindness for allowing his devotion to his family to break the restraint of military control, when he had remained faithful until the close of the war and the Government could easily dispense with his further service.

Your committee herewith submit the report from the Secretary of War and recommend the passage of the bill amended by adding thereto the following words, "to date August 25, 1865."

Case of Peter Weber, late a private in Company E, Fiftieth Wisconsin Volunteers.

The official records show this soldier, as Peter Webber, to have been enrolled at Fond du Lac, Wis., March 3, 1865, as a private in Company E, Fiftieth Wisconsin Volunteers, to serve 1 year, and to have served faithfully in that organization until August 25, 1865, when he deserted at Fort Leavenworth, Kans. Thereafter he did not rejoin his command, retained in service until April 19, 1866, nor report his whereabouts or the cause of his absence to the proper military authorities of the United States.

The following is a synopsis of the testimony heretofore submitted to the Department in connection with application for removal of the charge of desertion, to wit:

Under date of March 8, 1890, the soldier testified that in August, 1865, he was with his regiment at Fort Leavenworth, Kans., and that the war being over they had no further service of any consequence to perform; that on August 24 of that year he received a letter from home announcing the severe illness of his only daughter, and that on going to his regimental commander for a furlough he was refused; that in his "agony and despair" he made up his mind to go without leave, not taking into consideration the consequences, and that as the time required to go to his home and return before muster out was too short, he remained at home; that the physician who attended his daughter is *dead and his immediate* neighbors have gone away.

On May 14, 1887, it was held: "As this man did not serve 6 months prior to May 1, 1865, and as the charge of desertion does not appear to have been erroneously made, this Department has no power under existing laws to remove such charge of desertion." (An application in his behalf was received in the Department on April 5, 1887, through the Hon. Richard Guenther, M. C.)

On March 18, 1890, the authorized attorneys in the case were informed that "as the provisions of the act of Congress approved March 2, 1889, do not change the status of the case in any respect, the adverse decision of this Department thereon must be adhered to."

On May 19, 1890, the Hon. Charles Barwig, M. C., was informed that "as the soldier did not serve 6 months prior to May 1, 1865, and, according to his own statements, heretofore filed, was not physically unable to complete his term of enlistment, his case is not embraced within the provisions of the act cited (March 2, 1889) and as the charge of desertion was not erroneously made the Department is powerless to afford him any relief."

Since then the status of the soldier has not been changed by the introduction of new testimony.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. A.

RECORD AND PENSION DIVISION, *June* 5, 1890.

The SECRETARY OF WAR.

It is manifest that this soldier did not intend to desert the service of his country or his flag, but the War Department is powerless under the general law to remove the charge of desertion.

Your committee therefore report the bill back to the Senate and recommend its passage.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2407.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 13284.]

This bill directs the removal of the charge of desertion from the military record of Jonathan Murphy, of Company G, Fifty-second Regiment Indiana Volunteers, and the issue of an honorable discharge under date October 1, 1862. The following report was made in the House, to wit:

Your committee, to whom was referred the bill (H. R. 13284) to correct the military record of Jonathan Murphy, of Grant County, Ind., having considered the same, would respectfully report:

That the soldier enlisted April 22, 1861, for 3 months in the Eighth Indiana Infantry, and was honorably discharged August 31, 1861. He again enlisted October 14, 1861, in Company G, Fifty-second Indiana Volunteers, for 3 years, and performed faithful service until September 14, 1862, when, in a skirmish with Confederate cavalry at Durhamville, Tenn., he was slightly wounded, separated from his command, captured, and paroled. He reported at the nearest Federal post and was sent to parole camp, at St. Louis, Mo., and from there to Indianapolis, Ind., for exchange. Failing to get exchanged, he served several months in Capt. Fred Tykl's Company of Indiana Home Guards. In the fall of 1863 he assisted in raising Company F, One hundred and twenty-fourth Indiana Infantry Volunteers, and entered such organization as a private December 25, 1863, and served faithfully in such organization until August 31, 1865, when he was honorably discharged with the rank of corporal.

The bill in question proposes to grant such soldier an honorable discharge from Company G, Fifty-second Indiana Volunteers. Your committee believe from the evidence submitted that the facts as above set forth are fairly substantiated. It is apparent upon the face of the papers submitted herewith that the records of the War Department are in error in regard to a portion of this soldier's service.

Your committee recommend that the bill be amended by adding to line 8 the following words: "and grant him an honorable discharge from such service under date of October 1, 1862."

Your committee submit as a part of their report the report of the War Department and the several affidavits upon which their action is based, and recommend the passage of the bill as amended.

Case of Jonathan Murphy, late a private in Company G, Fifty-second Indiana Volunteers.

RECORD AND PENSION DIVISION,
February 4, 1891.

The official records show that this soldier was enrolled October 14, 1861, for the period of 3 years, and that he was present or properly accounted for to August 31, 1862. Subsequent rolls to and including company muster-out roll, dated January 31, 1865, report him absent—"missing in action September 17, 1864," at Durhamville, Tenn., at which date and place the company was in action; but the prisoners-of-war records furnish no evidence of the soldier's capture.

On December 25, 1863, in violation of the twenty-second (now fiftieth) article of war, he enlisted as a private in Company F, One hundred and twenty-fourth Indiana Volunteers, for 3 years, *in which organization he* served faithfully until August 31, 1865, *when he was mustered out with the company.*

The following is a synopsis of the testimony heretofore submitted to the Department in connection with application for removal of the charge of desertion, to wit: Under date of August 3, 1889, the soldier testified that he was taken prisoner while in the line of duty; that he was paroled, and that he reported to General Quimby at Columbus, Ky.; that he was then sent to a parole camp at St. Louis and thence to Indianapolis, where he was given a furlough to go home and report back in 10 days; that he went home, and when he reported back was told that he could not be exchanged, but must report again in 10 days; that afterwards he met his second lieutenant, who tried to have him exchanged, but failing, he (the soldier) concluded to go to his regiment without being exchanged, and he started on his own account, getting on a boat at Cincinnati that had been ordered to report at Helena, the officer in charge telling him that he would stop at Memphis, where the soldier's regiment was stationed, but that he failed to do so; that they then attempted to pass the batteries on the river, and that while near the mouth of the Yazoo River the boat became disabled; that his (the soldier's) hands, face, and eyes were badly scalded; that they landed on the Arkansas shore and were picked up by some of General Steele's command and sent back to Cincinnati; that subsequently he volunteered in the State militia and served until the copperheads and "Knights of the Golden Circle" were cleaned out, when he enlisted in Company F, One hundred and twenty-fourth Indiana Volunteers.

(The records of the various places mentioned by the soldier afford no information in the case, but it is proper to add that they are not very complete.)

On September 18, 1889, the soldier was informed that in the absence of any evidence corroborating his statements as to his service and whereabouts subsequent to September 17, 1862, the application for relief must be denied under the law, as his absence between his desertion from the first service and his enlistment in the second exceeded 4 months.

On May 5, 1890, the soldier repeated his former testimony as to his capture, and adds that their command was attacked by guerrillas about 12 miles from Brownsville, and that he was wounded in the thigh by a minie ball, but as it proved to be a slight wound (though it bled profusely) he picked the bullet out with a knife; that he then started for his command, supposing that it had continued its course to Brownsville, but on reaching that place he found it filled with Confederate soldiers, who captured and paroled him the same day; that on the next morning he started for the nearest point to the Union lines and reported to Gen. John A. Logan, at Jackson, Tenn., who gave him transportation to Columbus, Ky. That while serving in Company F, One hundred and twenty-fourth Indiana Volunteers, he supposed that his former captain was aware of these circumstances, as he (the soldier) wrote to him three times notifying him of the facts; that at Indianapolis he saw Charles and John Free, first lieutenant and orderly sergeant, respectively, of his company and informed them of his situation in the matter of exchange; that John Free and Capt. Joseph McCorkle are dead, and that the whereabouts of Charles Free are unknown to him.

The soldier further stated that before being mustered in at Camp Wayne, Indiana, he notified the mustering officer that he was a paroled prisoner, but was told that it would make no difference as all exchanges had stopped.

Jonathan W Thornburg, of Marion, Ind., testified, April 26, 1890, that he had known the soldier for over 35 years; that after he had been made prisoner in the fall of 1863, failing to get exchanged at Indianapolis, whence he had gone, the soldier went home and served in the home guard, of which affiant was orderly sergeant, until the next winter, when he helped to raise Company F, One hundred and twenty-fourth Indiana Volunteers.

William A. Siders, a comrade, testified, April 23, 1890, that Murphy was a good soldier up to the time he left the regiment (Fifty-second Indiana Volunteers); that it was reported at the time he left that he had been wounded and taken prisoner at Durhamville, Tenn., where three companies of the regiment had a skirmish with guerrillas; and that after the war affiant learned that he was slightly wounded at Durhamville, and that on going to Brownsville he was captured.

In addition to the foregoing testimony a petition, signed by 10 citizens of Marion, Ind., was submitted, stating that they had known the soldier for some 10 years; that he was a good citizen, reputably and entitled to credit, and they pray that he be granted a discharge.

On May 12, 1890, the application was again denied on the ground that the period of the soldiers's absence exceeded 4 months, and that by his reënlistment he obtained a bounty to which he would not have been entitled had he rejoined his proper command.

Since that date the status of the soldier has not been changed, either by the introduction of new testimony or by subsequent legislation.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

STATE OF MISSOURI, *Jackson County, ss:*

In the matter of Jonathan Murphy, late a private in Company G, Fifty-second Regiment Indiana Infantry Volunteers, personally appeared before me, clerk of the county court within and for said county, Ross Griffin, aged 54 years, who being duly sworn in the premises declares in relation thereto as follows:

I know said Jonathan Murphy, and know him to be the same identical Jonathan Murphy who enlisted in said company at Rushville, Ind., about October, 1861, and served therein until about September 17, 1862.

Said Murphy was with a detachment of his company and in line on the morning of said last-named day before the fight at Durhamville, Tenn. I had command there of 120 men when we were attacked by Lieutenant-Colonel Faulkner's battalion of Confederate cavalry, 400 strong. After a sharp fight, in which I lost 1 killed, 9 wounded, and 1 missing, we drove the enemy from the field.

Said Murphy was missing after the fight and I think so reported. I don't know how he came to be reported as a deserter. This was an error. Murphy was a good soldier, and though I had not seen him from the day of the Durhamville fight until September, 1890, I am satisfied that full credit should be given to his statement as to his capture at said fight and subsequent movements.

I trust the record may be corrected to correspond with the facts.

Without going into detail it is sufficient to say Murphy might easily have been taken prisoner as he says he was, and as he went into the fight it is not reasonable that he would have deserted his victorious command after the fight was over.

I was myself wounded in said fight, from which I was disabled for some time, and then continued on detached service, as I had been before. I knew nothing at the time of his being reported as a deserter—said to be in January, 1863. Certainly he was missing after the Durhamville fight, and not with the company afterwards.

Durhamville is given among the official list of battles during the war of the rebellion.

Murphy was there fighting, and should not rest under the charge of desertion.

ROSS GUFFIN,
Late Captain Company G, Fifty-second Regiment Indiana Volunteers, Commanding Detachment.

Sworn to and subscribed before me this 17th day of January, 1891, and I certify that said affiant is entitled to credit, and that I am not interested in this matter.

[SEAL.]

M. S. BURR,
Clerk County Court.

Evidence of neighbors.

STATE OF INDIANA,
County of Grant, ss:

In the matter of Jonathan Murphey, late private of Company G, Fifty-second Indiana Infantry, application for removal of charge of desertion, personally appeared before me William A. Siders, aged 47 years, of Marion, Grant County, Ind., who, being duly sworn, declares as follows: I have known the aforesaid Jonathan Murphey for 29 years or more; he is the same identical Jonathan Murphey that enlisted in Company G, Fifty-second Indiana Volunteer Infantry, at Rushville, Ind., in December, 1861; he is the same Jonathan Murphey that was slightly wounded at Durhamville, Tenn., September 14, 1862; the same Jonathan Murphey that was taken prisoner and paroled at Brownsville the same day, to wit, the 14th of September, 1862; the same Jonathan Murphey that was entered on the rolls of Company G, Fifty-second Indiana Infantry as a deserter in January, 1863, and the same Jonathan Murphey whose application for the removal of said charge is before the House of Representatives of the Congress of the United States; he is the same Jonathan Murphey that enlisted in Company F, One hundred and twenty-fourth Indiana Infantry, December, 1863, and was mustered out as corporal, August 31, 1865. I was a member of the same company and regiment that he belonged to, to wit, Company G, Fifty-second, and I do believe, from the evidence I have of the matters, that the aforesaid applicant used all diligence in trying to get exchanged and to return to his proper command.

That his post-office address is Marion, Ind.; that he has no interest herein, and knows above facts from personal knowledge and acquaintance.

WILLIAM A. SIDERS.

Sworn to and subscribed before me this 17th day of January, 1891, and I certify contents of above affidavit were duly made known to affiant before it was executed, that he is credible witness, and that I have no interest herein.

[SEAL.]

B. H. JONES, Justice.

STATE OF INDIANA,
County of Grant, ss:

In the matter of Jonathan Murphey, application for removal of desertion, personally appeared Jonathan W. Thornburg, aged 65 years, of Marion, Grant County, Ind., who being duly sworn, declares as follows: I have been acquainted with Jonathan Murphey for over 35 years; the aforesaid applicant enlisted in Company B, afterwards changed to Company F; Eighth three-month's volunteers. After his time had expired he enlisted in Company G, Fifty-second Indiana Infantry, in the fall or winter of 1861; sometime in the fall of 1862 he came home to Middletown, Ind.; he had parole and pass from the provost-marshal of Indianapolis, also an order to report to Indianapolis for exchange. In a few weeks after he had been at home he went with me to Indianapolis and reported to the provost-marshal, but was not exchanged; he afterwards started to his regiment, but was sent back. During the time he was at Middletown he served in Capt. Fred Fykle's Company of Home Guards, of which I was orderly sergeant. During that time there was another call for troops, and he assisted in raising a company, mostly of home guards, and went to the front and remained until 5 months after the war was over, when he was discharged as corporal. He is the same identical Jonathan Murphey that is applying for the removal of desertion from Company G, Fifty-second Indiana Infantry. The said applicant used all diligence in trying to get exchanged and return to his proper command.

That his post-office address is Marion, Ind., and that he has no interest herein.

J. W. THORNBURG.

Sworn to and subscribed before me this 13th day of January, 1891; and I certify contents of above affidavit was duly made known to affiant before it was executed, that he is a credible witness, and that I have no interest herein.

[SEAL.] B. H. JONES, *Justice.*

From the foregoing it is manifest that this soldier did not intend to desert the service of his country and his flag. His absence, however, was prolonged beyond the 4 months within which he could have reënlisted in some other command and been relieved by the War Department. The charge of desertion should be removed, and instead of an honorable discharge the truth should be shown, that he was absent without proper authority and reënlisted December 23, 1863, in Company F, One hundred and twenty-fourth Indiana Volunteers, for 3 years, and was honorably discharged August 31, 1865.

As so amended your committee report the bill back to the Senate and recommend its passage.

51st Congress, 2d Session. | SENATE. | Report No. 2408.

IN THE SENATE OF THE UNITED STATES.

February 23, 1891.—Ordered to be printed.

Mr. Cockrell, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 10356.]

This bill is to remove the charge of desertion from the record of Frederick Whitehead, late of Company B, First New York Mounted Rifles, and substitute discharged by decree of court, on account of being a minor under 18 years of age.

His record from the War Department is as follows:

Case of Frederick Whitehead, late of Company B, First New York Mounted Rifles.

The records show this soldier, as Frederick *A.* Whitehead, was enrolled October 14, 1861, in New York City, as a private in Company B, First New York Mounted Rifles, to serve 3 years, and to have served faithfully therein until January 21, 1863, when he deserted at Suffolk, Va., never thereafter returning to his command, though his term of enlistment did not expire until October 14, 1864, nor reporting his whereabouts or the cause of his absence to the proper military authorities of the United States.

There is no testimony now on file in this Department looking to the removal of the charge of desertion, the soldier's application having been returned to the authorized attorneys in the case on November 2, 1889, with the following indorsement, to wit:

"The decree of the civil court in this case, by virtue of which this man was withdrawn from the service, was made by a court without jurisdiction and did not legalize such withdrawal. The charge of desertion against him can not, therefore, be removed."

Respectfully submitted,

F. C. Ainsworth,
Captain and Assistant Surgeon, U. S. Army.

Record and Pension Division, *February* 4, 1891.

The Secretary of War.

This soldier, having been a minor and having been discharged from his military service by virtue of a writ of habeas corpus and the proceedings thereunder, should not stand charged with desertion, although the civil courts of the States may not have had jurisdiction in such a case. In all such cases your committee recommend favorable action.

Your committee report the bill back to Senate, with an amendment adding "as of date January 21, 1863," and recommend its passage as amended.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2409.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 5121.]

The Committee on Military Affairs, to which was referred the bill (H. R. 5121) to correct the military record of George McKinney, jr., have duly considered the same and submit the following report:

In the House this bill was passed August 29, 1890, and the following report was made thereon, and the bill amended as reported, to wit:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5121) to correct the record of George McKinney, jr., having considered the same, respectfully report:

That George McKinney, jr., was enrolled August 23, 1861, in Company E, Thirty-sixth Indiana Volunteer Infantry, for three years. After the battle of Shiloh he was sent to Jefferson Barracks, Mo., sick. From Jefferson Barracks he was furloughed and sent home. Such furlough was extended from time to time on account of his continued illness, until finally learning that he was reported on his regimental rolls as a deserter, he reported in person to Louisville, Ky., and was forwarded to Nashville, Tenn., June 25, 1863, under charge of desertion, for trial by court-martial.

He was too ill for trial and retained in hospital until January, 1864, when brought to trial and found guilty of absence without leave. He maintains that such absence was purely the result of his disability, which was contracted in the service, and cites the fact that when he did return he was at once sent to hospital. After his trial and the sentence of the court he returned to duty, and was finally mustered out with his regiment in September, 1864. Your committee believe the soldier should be relieved of the charge and finding of absence without leave, but think he should not demand or receive pay during his absence from his command, and would therefore recommend that the bill be amended by adding to the end of the bill

"*Provided*, This act shall not entitle such soldier to pay or emoluments from August 18, 1862, to June 23, 1863."

And that the word "cavalry" in line 6 be stricken out and the word "infantry" inserted in lieu thereof; and the words "to show him continuously in service from the date of enlistment to date of muster out, September twenty-first, eighteen hundred and sixty-four" be stricken out, commencing in line 7 of such bill.

Your committee submit herewith the report of the Adjutant-General and recommend the passage of the bill as amended.

Case of George (W.) McKinney, jr., late private Company E, Thirty-sixth Indiana Infantry Volunteers.

RECORD AND PENSION DIVISION,
April 2, 1890.

George (W.) McKinney, jr., private Company E, Thirty-sixth Indiana Infantry Volunteers, was enrolled on August 23, 1861, to serve 3 years. While sick at general hospital, Jefferson Barracks, Mo., with rheumatism, he was furloughed for 20 days on May 19, 1862, and this furlough was extended at Indianapolis, Ind. He failed to *return on expiration* of his extended furlough, and therefore became a deserter on *July 1, 1862.*

General Orders No. 92, War Department, Adjutant-General's Office, dated July 31, 1862, revoked all leaves and furloughs on August 11, 1862, and directed that all soldiers fit for duty, absent on August 18, 1862, be regarded as deserters, unless restored. The only excuses for absences after August 11, 1862, were to be: First, order of leave from the War Department; second, disability from wounds received in service; and third, disability from disease rendering the soldier unfit for military duty (but he must be so sick that he can not visit places of amusement, make social visits, etc.).

As this man had not rejoined his command on August 18, 1862, he was dropped as a deserter on that date.

He was received at Soldier's Home, Indianapolis, June 23, 1863, and at Barracks No. 1, Louisville, Ky., June 24, 1863, with remark, "a deserter from Indianapolis, Ind.," and was sent to Nashville, Tenn., as a prisoner on June 25, 1863.

He was arraigned before a general court-martial convened at Whiteside, Tenn., on January 13, 1864, on the charge of desertion, specifying that after the expiration of a furlough granted him at St. Louis, Mo., May 19, 1862, and which was renewed at Indianapolis, Ind., he failed to report as required by said furlough; was marked a deserter on August 18, 1862, in pursuance of general order from the War Department, and did not rejoin his company and regiment until on or about September 24, 1863. He was found not guilty of desertion, but guilty of absence without leave and sentenced to forfeit all pay and allowances due him from the United States from the 18th of August, 1862, until the 23d day of June, 1863." The proceedings, findings, and sentence of the court were duly approved and confirmed by Major-General Stanley and published in General Orders No. 22, Headquarters First Division, Fourth Army Corps, dated March 2, 1864.

In view of the findings and sentence of the court-martial in the case of this soldier no charge of desertion stands against his record, but he is considered as having been absent without leave from July 1, 1862, to June 23, 1863.

He was mustered out with his company on September 21, 1864.

The only explanation made by this man of his prolonged unauthorized absence is to the effect that he went home on furlough on account of lung trouble, result of measles; had his furlough renewed from time to time, and finally got what he supposed to be a genuine discharge furlough, whereupon he remained at home some months longer, but he finally learned that he was marked as a deserter, and then he at once reported himself to military headquarters at Indianapolis, Ind.

The conviction of this soldier of absence without leave by a general court-martial, the sentence being duly approved and executed, is held to be a legal bar to any further action in the case by the War Department.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

Your committee obtained from the War Department a copy of the record and proceedings in the court-martial trial, as follows:

WAR DEPARTMENT,
Washington City, September 16, 1890.

SIR: Referring to your letter of the 10th instant (received the next day), requesting certain information additional to that contained in report from this Department of April 2, 1890 (copy herewith), in the case of George McKinney, jr., a former member of Company E, Thirty-sixth Indiana Volunteers, I am directed by the Secretary of War to state that the records show that this man was slightly wounded at battle of Pittsburgh Landing, Tenn., April 7, 1862; that he was treated in hospital at Nashville, Tenn., for icterus from April 13 to 16, 1862; that he was treated for rheumatism in floating hospital *D. A. January* from May 10 to 14, 1862, and in general hospital, Jefferson Barracks, St. Louis, Mo., from May 14, 1862, on which latter date he was furloughed for 20 days.

He appears to have rejoined his regiment in September, 1863, and to have remained with it until his trial by general court-martial on January 13, 1864.

A copy of the proceedings of the court-martial in his case is herewith inclosed.

No evidence, other than his own statements (a synopsis of which is given in the report of April 2, 1890), has ever been submitted to this Department with a view to the correction of his record, and in response to such statements he was informed that the charge of desertion against him had been removed, but the removal of the charge of absence without leave was beyond the power of the Department, he having been convicted of that offense by a general court-martial.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Hon. F. M. COCKRELL,
United States Senate.

HEADQUARTERS THIRD BRIGADE, FIRST DIVISION, FOURTH ARMY CORPS,
Whiteside, Tenn., January 13, 1864.

Proceedings of a general court-martial which convened at Whiteside, Tenn., by virtue of the following special order:

SPECIAL ORDER, No. 33. } HEADQUARTERS FIRST DIVISION, FOURTH ARMY CORPS, *Bridgeport, Ala., December* 21, 1863.

A general court-martial is hereby appointed to meet at Whiteside, Tenn., at the headquarters Third Brigade, First Division, Fourth Army Corps, on Wednesday, the 23d day of December, 1863, or as soon thereafter as practicable, for the trial of such persons as may be brought before it.

DETAIL FOR THE COURT.

Col. John E. Burnett, Seventy-fifth Illinois Volunteer Infantry.
Col. J. E. Taylor, Fortieth Ohio Volunteer Infantry.
Maj. C. B. Cox, Eighty-fourth Illinois Volunteer Infantry.
Maj. Ben. F. Le Fevre, Ninety-ninth Ohio Volunteer Infantry.
Maj. Geo. H. Carter, Ninth Indiana Volunteer Infantry.
Capt. Wm. F. Lempus, Thirty-sixth Indiana Volunteer Infantry.
Capt. Henry Wiley, Fifty-ninth Illinois Volunteer Infantry.
Capt. Lemuel L. Scott, Eighty-fourth Illinois Volunteer Infantry.
Capt. Samuel T. Davis, Seventy-seventh Pennsylvania Volunteer Infantry.
Capt. J. W. Lapham, One hundred and fifteenth Illinois Volunteer Infantry.
Capt. J. A. Bope, Ninety-ninth Ohio Volunteer Infanty.
Capt. Ansel D. Powell, Eighth Kentucky Volunteer Infantry.
John W. Steele, Forty-first Ohio Volunteer Infantry, judge advocate.

No other officers than those named can be assembled without manifest injury to the service.

Should any of the officers named in the detail be prevented from attending at the time and place specified the court will, nevertheless, proceed to business, provided the number of officers present be not less than the minimum prescribed by law.

By command of Major-General Stanley.

LESTER L. TAYLOR,
Acting Assistant Adjutant-General.

WHITESIDE, TENN., *January* 13, 1864.

The court met pursuant to the foregoing order:

Present: Col. J. E. Taylor, Maj. C. B. Cox, Capt. A. D. Powell, Capt. J. A. Bope, Capt. J. W. Lapham, Capt. Henry Wiley, Capt. Wm. F. Lempus, Capt. L. L. Scott, Capt. John W. Steele, judge advocate.

Absent: Col. J. E. Burnett, relieved by orders from division headquarters; Maj. Ben. F. Le Fevre, cause of absence unknown; Maj. Geo. H. Carter, at home as a veteran; Capt. Samuel T. Davis, acting assistant adjutant-general Third Brigade, First Division, Fourth Army Corps.

The court then proceeded to the trial of Private Geo. W. McKinney, Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, who was called before the court, and having heard the order appointing the court read, was asked if he had any objection to any member named in the order, to which he replied in the negative.

The court was then in his presence duly sworn by the judge-advocate, and the judge-advocate was duly sworn by the president of the court.

The accused, Private George W. McKinney, was arraigned on the following charge and specification:

CHARGE: Desertion.

Specification: In this, that he, the said George W. McKinney, did, after the expiration of a furlough granted him at St. Louis, Mo., on the 19th day of May, 1862, and which was renewed at Indianapolis, Ind., fail to report as required by said furlough and was marked a deserter August 18, 1862, in pursuance of general order from War Department, he did not rejoin his company and regiment until on or about the 24th day of September, 1863.

To which charge and specification, the accused pleaded as follows:

To the specification, "not guilty."

To the charge, "not guilty."

Lieut. Zene C. Bohrer, a witness for the prosecution, duly sworn, testifies as follows:

Q. (By judge-advocate.) State your name, rank, and command.—A. Zene C. Bohrer, first lieutenant, Company E, Thirty-sixth Regiment Indiana Volunteers.

Q. (By judge-advocate.) Do you know the accused?—A. Yes, sir; his name is George W. McKinney, private Company E, Thirty-sixth Regiment Indiana Volunteer Infantry.

Q. (By judge-advocate.) Do you know anything of the accused being absent from his company in 1862? If so, state it.—A. Yes, sir; I was assigned to the command

of his company June 16, 1862; he was then absent, and marked on the rolls as absent sick; on August 18, 1862, at muster, then held in compliance with orders from War Department, I reported him as a deserter, as he was then absent; he returned the last of September, 1863; he had been reported as absent sick at St. Louis, Mo.; it is my impression that I received official notice that he had received a furlough at St. Louis, Mo.

Q. (By judge-advocate.) Have you ever received notice of his arrest during his absence as a deserter?—A. No, sir.

Q. (By judge-advocate.) Was he reported as a deserter by anyone to you during his absence?—A. No, sir.

Sergeant J. R. Irwin, a witness for the prosecution, duly sworn, testifies as follows:

Q. (By judge-advocate.) State your name, rank and command.—A. John R. Irwin, sergeant, Thirty-sixth Indiana Volunteer Infantry.

Q. (By judge-advocate.) Do you know the accused?—A. Yes, sir.

Q. (By judge-advocate.) Do you know of his absenting himself from the company in the year 1862?—A. I know that he was left sick at Shiloh; that was about May 10, 1862; he returned September 25, 1863. He came voluntarily to the regiment; he was slightly wounded at the battle of Shiloh; he did not leave the field after he was wounded.

The accused offered in evidence surgeon's certificate submitted to the court by the judge-advocate, hereto attached and marked A. Also a furlough hereto attached and marked B, and true copy of furlough hereto attached and marked C, and a descriptive list hereto attached and marked D, and a statement of Col. J. S. Simonson, hereto attached and marked E, also four letters written to Col. Wm. Grose, hereto attached and marked F, G, H, I, and a letter to Captain Norton, acting assistant adjutant-general, hereto attached and marked J.

The judge-advocate submitted the case to the court without remark.

The court was then cleared for deliberation, and having maturely considered the evidence adduced, find the accused, George W. McKinney, private Company E, Thirty-sixth Regiment Indiana Volunteers, as follows:

Of the specification, "guilty."

Of the charge, "not guilty of desertion, but guilty of absence without leave."

And the court do therefore sentence him, George W. McKinney, private Company E, Thirty-sixth Regiment Indiana Volunteers, as follows:

To forfeit all pay and allowance due him from the United States, from the 18th day of August, 1862, until the 23d day of June, 1863.

Col. J. E. TAYLOR,
Fortieth Ohio Volunteer Infantry, President of Court.
JOHN W. STEELE,
Captain, Forty-first Ohio Volunteer Infantry, Judge-Advocate.

Finding and sentence approved.

D. S. STANLEY.
Major-General.

A.

Army of the United States, Department of the Mississippi.

SURGEON'S CERTIFICATE.

I hereby certify that I have carefully examined George W. McKinney, private of Company E, Thirty-sixth Regiment Indiana Volunteers, and find that he has rheumatism and debility, and that in consequence thereof he is, in my opinion, incapacitated for duty and will be during the period of 20 days from this date.

M. W. FISH,
Surgeon, Missouri Volunteers.

GENERAL HOSPITAL,
Jefferson Barracks, Mo., May 17, 1862.

(Indorsed:) St. Louis, May 20, 1862. Paid this private from February 28 to April 30, 1862, as per descriptive roll. Amount paid, $21.74. Wm. H. Scott, paymaster, U. S. A.

FURLOUGH.

To all whom it may concern:

The bearer hereof, Geo. W. McKinney, a private of Captain James E. Baker, Company E, Thirty-sixth Regiment of Indiana Volunteers, aged 19 years, 5 feet 5 inches high; dark complexion, hazel eyes, brown hair, and by profession a farmer,

born in the State of Indiana, Jay County, and enlisted at Fairview, in the State of Indiana, on the 6th day of September, 1861, to serve for the period of 3 years, is hereby permitted to go to Mount Vernon, in the county of Jay, State of Indiana, he having received a furlough from the 19th day of May to the 9th day of June, 1862, at which period he will rejoin his company or regiment at Pittsburgh Landing, or wherever it then may be, or be considered a deserter Subsistence has been issued to said George W. McKinney to the 20th day of May, 1862. Given under my hand at St. Louis this 19th day of May.

By order of Major-General Halleck.

S. M. PRESTON,
Assistant Adjutant-General.

EXTENSION OF FURLOUGHS.

A certificate of the attending physician, giving in detail the true condition of the soldier, the extent to which the wound or disease deprives him of the use of the limb or faculty, attested by a certificate of a magistrate or notary public that the physician giving the certificate is a respectable practitioner, will be required in all cases by the officers who gave the furlough before he can extend it.

STATE OF INDIANA, *County of Jay:*

I swear that the within is a true copy of the original furlough which I have forwarded to the Adjutant-General's Office at Washington, for the purpose of obtaining a correction of the company rolls, on which the within named, George W. McKinney, is marked as a deserter.

ALLEN JAQUA, *Attorney.*

Sworn to and subscribed before me this 23d of March, A. D. 1863. Witness my hand and seal.

[SEAL.] B. W. HAWKINS, *Clerk.*

B.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
St. Louis, Mo., June 14, 1862.

To all whom it may concern:

The furlough given to George W. McKinney, jr., a private of Company E, Thirty-sixth Regiment, Indiana Infantry, for the period of 20 days, viz: from the 19th day of May to the 7th day of June, 1862, is, upon surgeon's certificate, hereby extended to the 27th of June, 1862, at the expiration of which period he will rejoin his company or regiment, wherever it then may be, or report to these headquarters, or be considered a deserter.

By order of Major-General Halleck,

S. M. PRESTON,
Assistant Adjutant-General.

HALFWAY, JAY COUNTY, IND.

EXTENSION OF FURLOUGHS.

A certificate of the attending physician, giving in detail the true condition of the soldier, the extent to which the wound or disease deprives him of the use of limb or faculty, and that the soldier will be incapacitated for duty during the entire period for which the extension is asked, attested by a certificate of a magistrate or notary public that the physician giving the certificate is a respectable practitioner, will be required in all cases by the officer who gave the furlough, before he can extend it. Soldiers wounded in battle, on furlough, will report by physician's certificate every 20 days.

STATE OF INDIANA, *County of Jay:*

I swear that the within is a true and exact copy of an extended furlough with indorsements, etc., of the original which I have forwarded to the Adjutant-General's

Office at Washington for the purpose of obtaining a correction of the company rolls, on which the within named George W. McKinney is marked as a deserter.

ALLEN JAQUA, *Attorney.*

Sworn to and subscribed before me this 23d of March, A. D. 1863.
Witness my hand and seal.
[SEAL.]

B. W. HAWKINS, *Clerk.*

Will report for examination July 1, 1862.

J. S. SIMONSON,
Colonel, U. S. Army, Commanding Post.

O. TOUSY, *Adjutant.*

C.

To all whom this may concern:

I, the undersigned, a practicing physician in the town of Quincy, in the county of Jay, and State of Indiana, do hereby certify that I have had George W. McKinney, jr., a private of Company E, Thirty-sixth Regiment Indiana Volunteers, under medical treatment since his return from the Army at Shiloh, from which place he was sent home about the 1st of May, and having this day visited him do hereby make the following certified statement as to condition and physical health at the present time, viz:

That his bronchial tubes are much diseased, that ever since his return he has been laboring under severe chronic inflammation of the lungs, and chronic inflammation of both kidneys, the result no doubt of cold taken while laboring under a severe attack of measles and camp fever last winter in Kentucky, he is also severely afflicted in the spine, these diseases combined are producing palpitation of the heart. I further certify that he is not able to travel and can stand but very little exercise, and I further certify that the said George W McKinney, jr., is not able for military duty, and that owing to his youth, delicate constitution, and deranged state of health that he never will be able to render military service. I would therefore recommend that he receive a final discharge.

Given under my hand this 16th of July, 1862.

JOHN A. HENNING,
Attending Physician.

STATE OF INDIANA, *County of Jay:*

Before me, the undersigned, a notary public in and for said county, personally came the above-named John A. Henning, and being by me duly sworn declares upon his oath that the above certificate is true, and I further certify that the said John A. Henning is a respectable practitioner of medicine of long standing at Quincy, in the county aforesaid.

Given under my hand and official seal this 16th July, 1862.
[SEAL.]

FREDERICK STOVER,
Notary Public.

Upon the within certificate a furlough is granted the within named George W. McKinney, jr., a private of Company E, Thirty-sixth Regiment, Indiana Volunteers, for the period of 30 days, and in the meantime should the said soldier be at any time during said period able to travel he will appear before the chief medical officer here for examination, with a view to his discharge.

J. S. SIMONSON,
Colonel of U. S. Army, Commanding Post.

INDIANAPOLIS, *July* 19, 1862.

The certificate is not in form as prescribed for disabled soldiers to found a discharge upon.

J. S. S.

Will report for examination August 12.
By order J. S. SIMONSON, *Commanding Post.*

STATE OF INDIANA, *County of Jay*:

I swear that the within is a true and exact copy of a physician's certificate, with indorsements by Col. J. S. Simonson, of the original on which I have forwarded to the Adjutant-General's Office, at Washington, for the purpose of obtaining a correction of the company rolls, on which the within named George W. McKinney is marked as deserter.

ALLEN JAQUA, *Attorney.*

Sworn to and subscribed before me this 23d of March, A. D. 1863.
Witness my hand and seal.
[SEAL.] B. W. HAWKINS, *Clerk.*

D.

G. W. McKinney, private of Company E, Thirty-sixth regiment, Indiana Volunteers, 18 years old, 5 feet 5 inches high, dark complexion, hazel eyes, brown hair, born in Jay County, Ind., enlisted by Charles R. Case, at Fairview, Ind., September 6, 1861, for the period of 3 years. Was lastpaid by J. A. Lowry, to February 28, 1862. Has received clothing of the United States to the amount of $31.56.

JAMES E. BAKER,
First Lieutenant, Company E, Thirty-sixth Regiment, Indiana Volunteers.

(Indorsed:) St. Louis, Mo., May 20, 1862, paid this private from February 28 to April 30, 1862, and settled clothing in full to April 30, 1862. Amount paid, $21.74. Wm. H. Scott, paymaster, U. S. Army.

E.

HEADQUARTERS MILITARY COMMANDER,
Indianapolis, Ind., June 23, 1863.

At the request of Colonel Shanks, I state that George W. McKinney, a private of Company E, Thirty-sixth Regiment, Indiana Volunteers, came this day and voluntarily surrendered himself as a deserter from his regiment. No expense was incurred therefore for his arrest. The only expense charged is his transportation to his regiment. This is the man Lieutenant Davis reported as being missing when the roll was called at the depot in this city.

J. S. SIMONSON,
Colonel U. S. Army, Military Commander.

F.

INDIANAPOLIS, IND., *June* 24, 1863.

Col. WM. G. GROSS:

MY DEAR COLONEL: I send you by Colonel Dodge papers relating to Private G. W. McKinney, of Company E, Thirty-sixth Indiana. From representations made to me, and from the fact that I was well acquainted with Private McKinney's father, whom I knew not only well but favorably, I took an interest in attempting to restore the young man's name on the records of the company. I received a letter from Colonel Simonson inclosing a copy of letter from Col. C. H. P. Carey, of the Thirty-sixth, which presented him in the light of a *deserter, in fact.* It seems that young McKinney was wounded at Shiloh and sent to hospital at St. Louis, thence to Indiana, and his furloughs extended from time to time until the 13th of August, 1862, when he was ordered to his regiment by Colonel Simonson, commander of post, Indianapolis, as appears from that officer's books. Thus far all is correct. But on that day (August 13, 1862) McKinney procured a fraudulent discharge furlough from one Lamar (whom I learn has been arrested for frauds on soldiers), and on that returned to his home in Jay County. Lieutenant Davis, in whose charge McKinney was placed by Colonel Simonson, reports him missing at roll call on the 18th August, at the depot, when called preparatory *to leaving for* the regiment.

Mr. A. Jaqua, of my town, at the instance of Private McKinney's father, commenced proceedings to obtain a final discharge for the son, basing the effort on the fraudulent discharge furlough above referred to. I think that both the father and Jaqua were misled in the matter, as I was by their representations. The discharge furlough from Lamar seems to have been lost, and Jaqua says that he drew a purported copy from the memory and dictation of McKinney. It placed Jaqua in a bad light, and so Colonel Carey and Colonel Simonson wrote, and he (Jaqua) came to Indianapolis and explained his course to Colonel Simonson, and young McKinney also came and voluntarily gave himself up and is now on his way to the regiment. I know the necessity for strict discipline and ask nothing that your judgment does not grant as proper, but in view of the age of the young man, his actual service rendered, I will hope that you will make his case as tolerable as the service will permit. I do think him cured of the deserting propensity. Colonel Dodge will express to you my feelings for the young man—to be to season justice with mercy. I am aware Colonel Carey already feels somewhat aroused over the matter and no doubt justly so. Will you please speak to him? I send some papers which belong to Private McKinney. Please see that he gets them. The originals of which some of the inclosed are copies were sent to the War Department by Jaqua.

Remember me to Chaplain A. W. Townsend, and believe me, as ever, yours,

J. P. C. SHANKS.

Inclose letter from Colonel Simonson, commander post, Indianapolis.

G.

HEADQUARTERS SECOND BRIGADE,
SECOND DIVISION, TWENTIETH ARMY CORPS,
Tullahoma, July 13, 1863.

MY DEAR COLONEL—Inclosed please find some papers I received of our mutual friend (Colonel Shanks) while at Indianapolis a short time since, in regard to a private belonging to your old regiment, the Thirty-sixth. He wished me to see you in person and explain to you the interest he took in the young man, which is impossible at present. I have no doubt that the young man was more "sinned against than sinning," or in other words was deceived and swindled by the villain Lamar.

Hoping that you are having all kinds of a good time (although I don't believe you are), I am,

Very respectfully, yours, etc.,

J. B. DODGE,
Colonel Thirtieth Indiana Commanding Second Brigade.

Col. WM. G. GROSS,
Commanding Brigade, Division Twenty-first Army Corps.

H.

INDIANAPOLIS, *July* 23, 1863.

DEAR SIR: I came to this place under the impression that I could go in person to Tennessee and see after my son, but I am informed that it is out of the question. I herewith inclose to you a letter from Colonel Shanks, which gives a full statement of the facts in the case of my son and will have to leave his case in your hands as his commanding officer. My information is that he is still at Nashville, in charge of the provost-marshal, in the soldiers' home or hospital. I know you have many demands upon your time, but I feel as a father I may commit my son's case to you, in the full assurance that you will do all in your power to see that his case shall be favorably heard. Will you please let me know the condition in which you find my son and all the facts connected with his case. Address me at Halfway Post-office, Jay County, Ind.

Respectfully yours,

JOSEPH J. MCKINNEY.

Colonel GROSS,
Of Thirty-sixth Regiment Indiana Volunteers.

L

INDIANAPOLIS, IND., *July* 23, 1863.

Colonel GROSS,

Of Thirty-sixth Indiana Volunteers, or Commandant at Nashville:

The bearer of this is Joseph J. McKinney, a loyal and most respectable citizen of this State and of the county in which I reside, and to me personally and well known, has represented our county several times in the legislature. Mr. McKinney has a son belonging to the Thirty-sixth Indiana Volunteers who is now sick at one of the hospitals in Nashville, I think at Soldiers' Home.

The circumstances connected with his son's case I will briefly state. He, the son, George W. McKinney, volunteered in Company E, Thirty-sixth Indiana Volunteers, at its organization and continued in the field until after the battle of Shiloh, in which he was wounded, and laboring under the effects of the wound and effects of an attack of measles he was sent to hospital at St. Louis, Mo., and from thence to Indiana on furlough, home. His furlough was extended by the authorities at Indianapolis two or three times, extending to August 13, 1863, at which time he was ordered to his regiment and placed in care of Lieutenant Davis. Up to this time the record of young McKinney is clear and good.

On the 13th, however, he procured a discharge furlough from one Lamar, a man who was engaged in furnishing false furloughs to soldiers at this place, and on this forged furlough returned home instead of reporting to Lieutenant Davis, as he was ordered.

This is his fault, he has since reported to Colonel Simonson, commandant of this post, voluntarily, and was by him ordered to Soldier's Home here. I learn, however, that he has been arrested and is now under arrest at Soldier's Home, Nashville, and sick. Colonel Simonson stated in writing to Colonel Gross that the young man had voluntarily reported to him, which statement I sent the colonel by private hand. I do not ask that aught than justice be done, but in view of the facts in this case, as all that can justly be done for him. G. W. McKinney is young, having enlisted at 18 years of age, he has been wounded in the service and though he has done a wrong he has voluntarily returned to duty. His father is much troubled over the condition of his son and will see you in person and will not ask his release from service but that he be returned from confinement and sent to his regiment. If permanently disabled then discharged.

Yours, respectfully,

J. P. C. SHANKS,
Colonel Seventh Cavalry, Indiana.

HEADQUARTERS THIRD BRIGADE,
January 13, 1864.

Colonel Shanks is ex-member in Congress, and the father a very worthy man indeed.

Respectfully,

W. GROSS,
Colonel, Commanding.

J.

CAMP THIRTY-SIXTH REGIMENT INDIANA VOLUNTEERS,
October 3, 1863.

SIR: In connection with the inclosed charges I would make the following statement: Private McKinney was wounded at Shiloh on the 7th day of April, 1862; he was sent to St. Louis, Mo., and there was taken sick, from which point he was sent home. It appears that he was given a discharge furlough at Indianapolis by a villain named Victor Lamar, who was arrested some time since for swindling soldiers, and being young and inexperienced, thought it all right. I inclose you papers sent here in reference to his case, and respectfully ask that he be reinstated with loss of pay and allowances while absent without authority.

I am, very respectfully, your obedient servant,

E. W. GILBERT,
Second Lieutenant, Commanding Company E, Thirty-sixth Indiana Volunteers.

Captain NORTON,
Acting Assistant Adjutant-General.

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., September 15, 1890.

Official copy.

G. NORMAN LIEBER,
Acting Judge-Advocate-General.

stYour committee also obtained from War Department a complete atement of his military record as follows:

WAR DEPARTMENT,
Washington City, December 12, 1890.

SIR: In compliance with your request of the 10th instant (received yesterday) to be furnished with a complete record in the case of George W. McKinney, jr., as of Company E, Thirty-sixth Indiana Volunteers, I am directed by the Secretary of War to state that the following data embrace all entries which have been found upon a search of the records on file in this Department, with the exception of the proceedings, etc., in connection with the soldier's trial by general court-martial, a copy of which latter was transmitted to you under date of September 16, 1890.

From company and regimental records: George McKinney was enrolled a private in Company E, Thirty-sixth Indiana Infantry Volunteers, August 23, 1861, and mustered into United States service on October 15, 1861, at Richmond, Ind., to serve 3 years. The muster rolls of the company show him as follows: October 31, 1861, "present" (as George McKinney); so reported on roll of December 31, 1861, February 28, 1862, George W. McKinney, "present;" April 30, 1862, George McKinney, whether present or absent not indicated; June 30, 1862, George W. McKinney, "absent, sick;" August 31, 1862, George W. McKinney, jr.; "m rked as a deserter on 18th August 1862, by order from War Department." His name is not borne on the rolls subsequent to August 31, 1862, until April 20, 1864, when he is reported, George W. McKinney (as enlisted September 6, 1861), "present; to forfeit all pay and allowances due him from United States from August 18, 1862, to June 23, 1863, by sentence of general court-martial." The rolls of June 30 and August 31, 1862, are not on file. The muster-out roll of the non-veterans of the company, dated September 21, 1864, shows him mustered out on that date as George W. McKinney, jr., with the remark, "Pay stopped from August 18, 1862, to June 23, 1863, by sentence of court-martial." The returns for May, June, and July, 1864, do not report this soldier as being absent. The regimental descriptive book contains the record of two McKinneys as of Company E, as follows: (1) George McKinney, age, 18 years; height, 5 feet 5 inches; complexion, dark; eyes, hazel; hair, brown; enlisted, September 6, 1861, Fairview; slightly wounded at battle Pittsburgh Landing, April 7, 1862. (2). George W. McKinney; age, 23 years; height, 5 feet 9 inches; complexion, light; eyes, hazel; hair, brown; enlisted October 25, 1861, Indianapolis; mustered in to fill the place of Dr. Cecil. The former of these descriptions evidently refers to George W. McKinney, jr., of Company E. The regimental order book contains a record of General Orders, No. 22, dated at headquarters First Division, Fourth Army Corps, at Blue Springs, Tenn., March 21, 1864, which shows George W. McKinney, of Company E, Thirty-sixth Indiana Volunteers, tried for desertion; finding, "not guilty" of desertion, but "guilty" of absence without leave; sentence, to forfeit all pay and allowances due him from United States from 18th August, 1862, to 23d June, 1863.

The name of this soldier is borne on a regimental return of deserters from date of organization to April, 1863, with remark, "Deserted August 18, 1862, at McMinnville, Tenn." The regimental return of "men joined from desertion" from date of organization to December, 1863, reports him "returned from desertion September 26, 1863." The general court-martial, before which he was tried upon the charge of desertion, convened at Whiteside, Tenn., on January 13, 1864.

The medical records report him: "George McKeny, entered Nos. 2 and 3, general hospital at Nashville, Tenn., April 13, 1862, with icterus; sent to convalescent barracks April 16, 1862. George W. McKinney, admitted on floating hospital *D. A. January*, May 10, 1862, with rheumatism; sent to general hospital at Jefferson Barracks, near St. Louis, Mo., May 14, 1862, with rheumatism; at the latter hospital he received a furlough on May 19, 1862, for 20 days, and the hospital records contain no evidence of his return. There are no records of the prison hospital at Nashville, Tenn. (where he claims to have been under treatment from June to September, 1863), on file in this Department."

The discontinued command division reports: "No record of this soldier in 1862 has been found. The records of Soldiers' Home, Indianapolis, show him 'received from headquarters June 23, 1863, and departed for regiment on same day;' and a remark opposite his name reads 'G. H.' (probably being intended for either guardhouse or general hospital). He was received at barracks No. 1, Louisville, Ky., June 24, 1863, as a 'deserter from Indianapolis,' and was sent to Nashville as a prisoner June 25, 1863. No subsequent record has been found."

Upon an investigation of this case, under date of March 23, 1888, it was determined by this Department that "all charges of desertion, direct or implied, against this man are removed, and he is considered as having been 'absent without leave' from July 1, 1862 (expiration of his extended furlough), to June 23, 1863."

Since the date of that decision the record of this soldier has not been changed.

The only record of the fact that his original furlough, which expired on June 8,

1862, was extended, appears to be contained in the specification supporting the charge of desertion, which shows that the extension was granted at Indianapolis, but does not specify the period of such extension.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Hon. F. M. COCKRELL,
United States Senate.

From these records it seems manifest that this young soldier was, during the time of his alleged absence without leave, wholly unfit for military duty, and actually believed and had reason to believe that his leaves of absence or furlough had been properly extended, and that as soon as he learned that he was charged with desertion, he voluntarily returned to his command. This bill provides that he shall not be entitled to any pay or emoluments for the time the court-martial declared him absent without proper authority.

In view of his youth and the reasonable grounds he had for believing his furloughs had been extended, and his unfitness for duty and his voluntary return and faithful service, your committee believe he should now be relieved from the odium of absence without proper authority, and his record corrected accordingly, notwithstanding the proceedings of the court-martial, and accordingly report the bill back to the Senate and recommend its passage with the amendments indicated.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2410.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

MR. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13073.]

The Committee on Pensions, to whom was referred the bill granting a pension to Alvason Hopkins, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is appended hereto. The bill is reported favorably with a recommendation that it do pass.

[House Report No. 3789, Fifty-first Congress, second session.]

The subject of this report is the dependent father of Sherman Hopkins, formerly a member of Company L, Sixth Michigan Cavalry, and who died in the service September, 1864. The soldier left no widow, but did leave one small child, who was cared for by this subject, her grandfather, until 1878, when she died.

It appears from the evidence submitted to your committee that no pension was ever paid anyone and no claim made on account of this soldier's service. The evidence also shows, and which evidence is made a part of this report, that this claimant did educate and support the soldier's only child; that he is now 74 years old, totally dependent upon his own efforts for a livelihood; that there is no one legally bound to his support. Therefore your committee, believing this a meritorious and proper matter for special legislation by Congress, recommend the passage of the bill, and also submit the following evidence as a part of this report:

The Senate and House of Representatives of the United States of America in Congress assembled:

In consideration of the fact that Alvason Hopkins, whose post-office address is Portland, Ionia County, Mich., lost his only child (a son), Sherman Hopkins, in the late war of the rebellion while serving as a private in Company L, Sixth Regiment, Michigan Cavalry Volunteers; said son, Sherman Hopkins, having died at Baltimore, Md., of typhoid fever contracted in the service while in the line of his duty, in September, 1864; and

In further consideration of the fact that the said soldier left no widow but having left one minor child—a girl—who is now deceased, she having died in September in 1878; and

In further consideration that the said Alvason Hopkins is now past 74 years old and in very poor health and needy circumstances, being unable to work and having no adequate means of support, and there being no person legally bound to support him; now, therefore

We, the citizens of Ionia County, Mich., and the immediate friends and neighbors of the said Alvason Hopkins, dependent father of the said Sherman Hopkins, deceased, would humbly petition your honorable body that an act of Congress may be passed during this present session whereby the said Alvason Hopkins may be relieved from want by placing his name on the dependent pension roll at the rate $12 per month during his natural *life, said pension to be paid* under such rules and regula-

tions as may be prescribed by the Secretary of the Interior, for which your humble petitioners will ever pray.

E. M. Auer, W. H. Howard, att'y at law; Eli A. Coleman, Levi Shotwell, supervisor; L. A. Smith, P. N. Moore, A. H. Moore, Geo. Dinsmore, J. B. Morehouse, William Toan, senator nineteenth district; W. H. Woodworth, A. Williams, A. A. Ellis, Geo. E. Nichols, A. Milan Willett, judge of probate; C. L. Halladay, register of deeds; William D. Place, county clerk; L. H. Bailey, J. E. Just, banker, Ionia; John H. Tubbs, F. A. Sessions, cashier first national bank, Ionia; Oscar Webber, J. H. Kidd, postmaster.

To the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned ex-soldiers of the late war, do respectfully petition your honorable body and ask that a pension be granted to Alvason Hopkins, of Portland, Mich., indigent father of our deceased comrade mentioned below, of such amount as your honorable body may deem just and reasonable after reading the following statement of facts.

Sherman Hopkins, who was the only child of Alvason Hopkins, above mentioned, was a private soldier in Company L, Sixth Regiment, Michigan Cavalry, and died in United States Hospital in Baltimore, Md., in September, 1864, of disease contracted while in the service and in the line of duty. The said Sherman Hopkins left no widow and but one child, now deceased, a daughter 7 years old named Florence.

After the death of the said Sherman Hopkins, the said Alvason Hopkins took the said Florence to his own home, brought her up, and gave her a good education. The said Florence died in September, 1878, when about 21 years old, and the said Alvason Hopkins is left in his old age—he is in the seventy-fifth year of his age—without wife or child or any lineal descendant whatever. He is without adequate means of support, and there is no one legally bound for his support.

Hoping that your honorable body may deem the above-mentioned Alvason Hopkins justly entitled to a pension and so grant our prayer, your petitioners will ever pray.

G. I. Horton, sergeant Company A, Sixth Michigan Cavalry; F. N. Friend, Company E, Sixth Michigan Cavalry; Edwin L. Old, Company E, Sixth Michigan Cavalry; Wesley A. Clark, Company K, Sixth Michigan Cavalry; D. G. Caywood, Company B, Sixth Michigan Cavalry; Amasa R. Darriell, Company L, Sixth Michigan Cavalry; Elias Hogh, Company E, Sixth Michigan Cavalry; Guss Norton, Company B, Sixth Michigan Cavalry; Charles Glosser, Company G, Sixth Cavalry; L. C. Kanover, Company D, Sixth Cavalry; Sylvanus Creery, Company C, Sixth Cavalry; A. D. Jackson, Company G, Sixth Cavalry; John Denniston, Company G, Sixth Cavalry; S. B. Swain, Company B, Sixth Cavalry; Wm. Gore, Company L, Sixth Cavalry; A. E. Perry, Company B, Sixth Michigan Cavalry; J P. Turner, Company B, Sixth Michigan Cavalry; John G. Snook, Company D, Sixth Michigan Cavalry; Charles Hayes, Company H, Sixth Michigan Cavalry; Sheldon Wight, Company F, Sixth Michigan Cavalry; Chas. A. Parker, Company B, Sixth Michigan Cavalry; R. J. Austin, Company I, Sixth Michigan Cavalry; Jackson Dee, Thirty-first Georgia; Perry Oaks, Company C, Sixth Michigan Cavalry; E. E. Harmon, Company K, Sixth Michigan Cavalry; Russell K. Stanton, Company K, Sixth Michigan Cavalry; Burnett Ripley, Company H, Sixth Michigan Cavalry; Don T. McCall, Company B, Sixth Cavalry; Charles Petty, Company C, Sixth Cavalry; L. J. Barnard, Company C, Sixth Cavalry; Jacob O. Probosco, Company C, Sixth Cavalry; G. W. Mattoon, Company E, Sixth Michigan Cavalry.

STATE OF MICHIGAN, *county of Ionia, ss:*

Alvason Hopkins, being duly sworn deposes and says that he was the father of Sherman Hopkins, who was a private in Co. L, 6th Regt. Mich. Cave. Vols., who died in the hospital in Baltimore, Md., in September, 1864, being the same Sherman Hopkins whose name appears in the hereunto annexed petition; that Sherman Hopkins left no widow, his wife having died prior to his enlistment, but did leave an only one child, an infant daughter; that the said Sherman Hopkins was born in lawful wedlock and was his (affiant's) only child; that he (affiant) brought up and educated

the said Sherman Hopkins' child until she was about 21 years of age, when she died; that the mother of the said Sherman Hopkins died when he was an infant; that he, said affiant, is now just 74 years old, and is in poor health, and that he has no adequate means of support, and there being no person legally bound to support him; that he makes this affidavit the purpose of and prays that an act of Congress may be passed granting him a reasonable pension on the account of the loss of this his only son the said Sherman Hopkins while in the service.

ALVASON HOPKINS.

Subscribed and sworn to before me this 23d day of September, A. D. 1890.
[SEAL.] W. H. HOWARD,
Notary Public.

STATE OF MICHIGAN, *County of Ionia, ss:*

Warren Hopkins, being duly sworn, says that he is sixty-one years old and that he is a brother of Alvason Hopkins, the above-named affiant, and that he has known said Alvason Hopkins all of his lifetime, and he also was well acquainted with Charlotte Hopkins, the reputed wife of said Alvason Hopkins and mother of a boy child called Sherman, said boy being born during the time that the said Alvason Hopkins and Charlotte lived and cohabited together as husband and wife; and the affiant verily believes that the said Alvason Hopkins and Charlotte were lawfully married to each other. That he knew the said child, Sherman Hopkins, from the date of his birth to the date of his death in the service, in 1864, and knows that he left no widow, and only left an infant girl which the said Alvason Hopkins raised and educated until she was about 21 years of age, at which time she died, being in September, 1878; that Alvason Hopkins is an old man, and, as affiant believes, has no adequate means of support, and that he has carefully read Alvason Hopkins's affidavit, and he verily believes the matters therein set forth are true in substance and fact.

WARREN HOPKINS.

Subscribed and sworn to before me this 23 day of September, 1890.
[SEAL.] W. H. HOWARD,
Notary Public.

STATE OF MICHIGAN, *County of Ionia, ss:*

William Toan, a resident of the township of Portland, Ionia County, Mich., being duly sworn, says that he is the State senator elect for the 19th senatorial district of Michigan, and a fellow townsman of Alvason Hopkins, and has known him upwards of forty-six years; that he also knew Sherman Hopkins in his lifetime, for about twenty years, and knew him to be the reputed son of Alvason Hopkins, and that he has read or heard read the affidavit of Alvason Hopkins hereunto annexed and that he has every reason to believe and does verily believe that all the matters set forth in said affidavit is just and true; said belief is based upon his long and intimate acquaintance with the said Alvason Hopkins and his family, and personal business relations with him.

WILLIAM TOAN.

Subscribed and sworn to before me this 3d day of January, A. D. 1891.
[SEAL.] W. H. HOWARD,
Notary Public.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2411.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12702.]

The Committee on Pensions, to whom was referred the bill (H. R. 12702) granting a pension to Sarah Knight, have examined the same and report:

The report on which this bill was passed by the House is concurred in, and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12702) granting a pension to Sarah Knight, submit the following report:

The claimant is the mother of Horace Knight, late captain Company H, Twentieth Regiment Michigan Infantry, and whose military record is herewith attached and made a part of this report.

Captain Knight died soon after his discharge from the service, leaving a widow but no children. The widow also died soon after, and no pension was ever asked or paid anyone on his account.

The evidence at the command of your committee shows that this mother is now 84 years of age, with no one legally bound to her support, and with very limited means of support, and, by reason of this, coupled with the record of gallant services of the soldier, her son, your committee recommend the passage of the bill.

WAR DEPARTMENT,
Washington City, February 7, 1891.

SIR: In reply to your communication of the 5th instant, received in this Department yesterday, in which you inclose a copy of H. R. bill 12702, Fifty-first Congress, second session, granting a pension to the dependent mother of Horace Knight, late captain Twentieth Michigan Infantry Volunteers, and request a statement of that officer's military record, I am directed by the Secretary of War to inform you that the records show as follows:

Horace V. Knight was enrolled July 23, 1862, and mustered in August 19, 1862, as first sergeant Company H, Twentieth Michigan Infantry Volunteers, to serve 3 years; was promoted to sergeant-major same regiment, January 15, 1863; was mustered in as second lieutenant same company, to date May 7, 1863, and as captain Company G, regiment, to date May 7, 1865.

Rolls from muster in to April 30, 1863, report him present; roll dated June 30, 1863, reports him absent, taken prisoner at action of "The Narrows," Kentucky, May 9, 1863; roll dated August 31, 1863, same report; rolls from October 31, 1863, to February 29, 1864, inclusive, report him absent, prisoner in the hands of the enemy since May 9, 1863.

His name is dropped from all subsequent rolls to February 28, 1865, inclusive. Roll dated April 30, 1865, reports him absent, sick at Annapolis, Md.

The prisoner of war records show him captured at Horse-Shoe Bend, Kentucky, May 9, 1863; brought from Knoxville, Tenn, and confined at Richmond, Va., May 13, 1863; sent to Danville, Va., or Macon, Ga., May 7, 1864; paroled at North East Ferry, N. C., March 1, 1865; reported at Camp Parole, Annapolis, Md., from hospital, date not given; and sent to regiment May 3, 1865.

The medical records show him admitted to Division No. 1, general hospital at Annapolis, Md., March 28, 1865, with "febris remittens bil." and transferred May 3, 1865.

He was mustered out of service as captain with Company G, said regiment, May 30, 1865.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Hon. C. E. BELKNAP,
House of Representatives.

The bill is reported favorably with a recommendation that it do pass.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2412.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13386.]

The Committee on Pensions, to whom was referred the bill (H. R. 13386) granting a pension to Col. Everard Bierer, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13386) granting a pension to Col. Everard Bierer, submit the following report:

Claimant was colonel of the One hundred and seventy-first Pennsylvania Militia Volunteers. While captain of Company F, Eleventh Pennsylvania Cavalry, he received a severe gunshot wound in left arm at the battle of South Mountain, September 14, 1862, for which wound he is now on the pension roll at $20 per month, being a total rating for a captain. Application for increase has been rejected, the Pension Office refusing to admit neuralgia and rheumatism as sequences of his wound, and that rating is in accordance with rank at the time claimant received his wound.

The examining board in 1888 gave him a rating of 1½ total, and September 3, 1890, rate him total for wound of left arm and one-half total for resulting neuritis, which rating would be equal to $30. It is shown by affidavit of practicing physician that in May, 1889, claimant was frequently treated for neuralgia or rheumatic swellings of left arm and shoulder, and some time previous for severe and extensive inflammation of arm, caused by said gunshot wound.

Several witnesses testify that claimant is incapacitated for the performance of manual labor.

In view of the facts set forth, and that soon after claimant received his wound he was promoted to colonel, your committee report favorably and recommend the passage of the bill.

The bill is reported favorably with a recommendation that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2413.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13409.]

The Committee on Pensions, to whom was referred the bill (H. R. 13409) granting a pension to Robert Holmes, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13409) granting a pension to Robert H. Holmes, submit the following report:

Robert H. Holmes entered the service September 13, 1861, and reënlisted as a veteran December 22, 1863. While in action in South Carolina he received a shell wound of right forearm, about June 15, 1864, for which he was treated in hospital until in September following, when he was granted sick leave, and went to his home in New York. He was also suffering from rheumatism and malaria, contracted during long service in the swamps of South Carolina, and got worse after reaching home. After partial recovery, he reported to the proper officers for transportation to his command, Company G, Forty-eighth New York Volunteers, but by some mistake on their part he was forwarded to Tennessee, and never reached the same until after its muster out of service. He is in consequence thereof reported as a deserter, but was granted a dishonorable discharge August 5, 1872. His claim for pension on account of rheumatism and kidney disease has been rejected by the Pension Bureau because the evidence is not deemed sufficient, and by reason of death or removal of his former comrades he is unable to furnish anything additional.

The record of the War Department, in addition to treatment for shell wound, shows also that the soldier suffered from erysipelas and left hernia; but the greater disability in the case is that resulting from rheumatism, disease of heart, and kidney disease, and he is shown by medical examination to be totally disqualified for the performance of any manual labor. Claimant's condition, from personal observation of the writer of this report, is deplorable, and must excite the sympathy of anyone who may come in contact with him.

Holmes served faithfully during his first enlistment, reëntered the service as a veteran, and again served on what is known as "Jones Island," where the command was engaged for a long time in building corduroy roads in the swamps for the purpose of carrying artillery to a point to cut off communication between Fort Pulaski and Savannah, and until he became disabled as heretofore stated.

Your committee, in view of these services, do not believe that he intentionally absented himself for the purpose of deserting; but, the charge of desertion still standing against him, he can not avail himself of the benefits of the act of June 27, 1890, to which, in our opinion, he should be entitled, and even the doors of the Soldiers' Homes are closed against him because of said record.

Nevertheless, we are of opinion that he should be pensioned under the act of June 27, 1890, and therefore return the accompanying bill with the recommendation that it do pass.

The bill is reported favorably with a recommendation that it do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2414.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13564.]

The Committee on Pensions, to whom was referred the bill (H. R. 13564) granting a pension to Julia A. Margrove, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13564) granting a pension to Julia A. Margrove, submit the following report:

Claimant was a pensioner on the rolls as the widow of Thomas Powell, private of Company B, Twelfth Kansas Volunteers, until her remarriage to George W. Margrove, June 12, 1869. The evidence shows that claimant's second marriage was very unfortunate, and a very unhappy one, as her husband proved to be indolent and worthless, failing to provide for her and her children, she having to support him, herself, and children by her own labor; that he finally abandoned her entirely about 5 years ago. Claimant was granted a decree of divorce by the district court of Atchison County, Kans., in December, 1890, for reasons stated above.

The evidence shows that the character of the claimant is excellent, being above reproach; that she is now 57 years old, broken down in health, and in destitute circumstances.

Your committee, regarding this as a meritorious case and in line with abundant precedent, therefore make favorable report and recommend that the bill do pass.

The bill is reported favorably with a recommendation that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2415.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13665.]

The Committee on Pensions, to whom was referred the bill (H. R. 13665) granting a pension to Mrs. Eliza Weaver, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13665) granting a pension to Mrs. Eliza Weaver, submit the following report:

Claimant is the dependent mother of Cassius Weaver, late private of Company E, Forty-sixth Regiment of Indiana Volunteers. Cassius Weaver filed declaration for pension April 3, 1879, alleging heart disease resulting from an injury received to his breast in March, 1865, by a train being thrown from the track near Harper's Ferry while on his way from Indiana to Virginia. His claim was rejected May 31, 1882, because of claimant's inability to furnish satisfactory evidence that the disability alleged was incurred in the service, there being neither medical nor record evidence thereof. The evidence clearly shows that claimant was on the train which was thrown from the track; that he received severe injury to his breast therefrom, and that he was in line of duty. The examining board, November 30, 1880, find positive evidence of heart disease, pulse very weak and too rapid, and rate soldier at total disability. In March, 1882, medical examination disclosed increased disability of heart disease. Three months later the soldier died from the effects of said disease. The evidence of his family physician and other witness shows that he was a sound and healthy man prior to enlistment and that at his return home from the service, and subsequently until the time of his death, he was broken down in health and unfitted for manual labor. From the facts set forth your committee are of the opinion that the soldier's death was due to his service. The soldier leaves no widow or minor children and no one is drawing a pension on his service. Claimant is 75 years old, dependent, and has no means of support.

The bill is reported favorably with a recommendation that it do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2416.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6388.]

The Committee on Pensions, to whom was referred the bill granting a pension to Peter Peterson, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives and recommend the passage of the bill.

The House report is as follows:

The claimant enlisted as private in Company E, Eighty-third Regiment Illinois Volunteers, July 31, 1862, and was discharged upon surgeon's certificate of disability July 3, 1863, on account of rheumatism. He applied for pension September 1, 1863, alleging rheumatism, disease of lungs, and injury to right hip.

The claim, after a special examination, was rejected on the ground that the records of the War Department tend to show that the only disability shown by medical examination, rheumatism and resulting disease of heart, was not the result of his military service, and that the parol evidence is insufficient to controvert the record.

The record referred to is the certificate of disability, in which it is stated that the soldier is too old and has been unfit for service since enlistment.

On the other hand it is conclusively shown that claimant was only 42 years old at enlistment, or lacking 3 years of the age fixed by law for exemption from military duty; that he was sound and able-bodied at enlistment, and did not become disqualified for the performance of military duty until January, 1863, when stationed in a malarial region of the country.

There is no satisfactory evidence of an injury to right hip, nor of disease of lungs, the latter being evidently a wrong diagnosis of the case.

In the opinion of your committee the claimant should be pensioned for rheumatism and its sequences, and therefore return the bill with the recommendation that it do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2417.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6606.]

The Committee on Pensions, to whom was referred the bill granting a pension to William F. Reed, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives, and recommend that the bill do pass.

The House report is as follows:

The soldier in this case enlisted July 25, 1863, and was discharged December 29, 1864. The basis of the claim is gunshot wound in the right foot. The claim was rejected in the Pension Department on the ground that there is no record of the wound, and the claimant's inability to show that said injury was incurred in line of duty and while in the service.

The claimant testifies that he was not treated in the hospital, but was by Drs. Stonly and Yost, and that his captain and lieutenant are dead. He further testifies that he received the injury on the 21st day of November, 1864, by a shot from the woods, while he was going to his home on a furlough, near Lexington, Ky. There seems to be no dispute about this fact. Lieut. Col. E. R. Wier, jr., testifies that the regiment was furloughed at Lexington, Ky., to go home for 20 or 30 days, and that when this soldier was going home it was reported to said officer that this soldier was shot in the foot, and affiant saw fresh blood on the soldier's boot.

G. B. Reed, a comrade, swears that he was with the soldier when he was shot in the foot, and that the soldier was taken to a house near Greenville, Ky., where he remained until he was discharged. W. H. Putnam, another comrade, testifies to about the same facts.

Dr. W. H. Yost testifies that he treated the soldier for this injury.

The board of examining surgeons find that the soldier's injury is total, incapacitating him from performing manual labor.

The committee are of opinion that the injury was received in line of duty and now entitles the soldier to a pension. We recommend that the bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2418.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11014.]

The Committee on Pensions, to whom was referred the bill (H. R. 11014) granting a pension to Mrs. Malinda Hawkins, have examined the same and report:

From the facts stated in House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11014) granting a pension to Mrs. Malinda Hawkins, have considered the same and report:

In her petition for relief by special act of Congress the claimant states that on July 3, 1862, she was appointed matron of United States General Hospital No. 5, at Saltwells, near Evansville, Ind., and served as such until September 16, of the same year, when from overwork, exposure, and nervous prostration her health gave way to such an extent that she was obliged to resign her position and return home.

Her health has continued bad to the present time, and as she grows older the effects upon her nervous system grow more severe. She served while in said hospital without pay and refused to have her name placed upon the hospital register.

Dr. Fleetwood H. Sale, of Dillsborough, Ind., swears he was late acting assistant surgeon in charge of general hospital, Saltwells, Evansville, Ind., and was on duty at said hospital when Mrs. Hawkins was appointed matron. Her duties were to take charge of all sanitary supplies and dispense the same to sick and disabled soldiers on the orders and directions of the surgeon in charge; that Mrs. Hawkins satisfactorily discharged her duties as said matron until she was, from overwork, exposure, nervous prostration, and ill health, obliged to resign, and that during her entire service of over 2 months she furnished her own clothing, washing, and subsistence.

C. L. Hollis, of Boonville, Ind., late hospital steward of the above-named hospital, corroborates in all its details the testimony of Dr. Sale.

The standing of these witnesses for truth and veracity is shown to be good.

The claimant's residence and post-office address is Petersburgh, Ind.

In view of the many precedents established by Congress for pensioning the faithful hospital nurses of the war of the rebellion, your committee respectfully recommend the passage of the bill.

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51st CONGRESS, 2d Session. } SENATE. { REPORT No. 2419.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13340.]

The Committee on Pensions, to whom was referred the bill granting a pension to David S. Sanders, have examined the same and report:

From facts stated in House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 3886, Fifty-first Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 13340) to pension David Sanders, have considered the same and report:

The claimant was a private in Capt. Charles Pettigrew's company of the First Arkansas Mounted Volunteers, and served from September 3, 1836, to January 23, 1837, in the Indian war of that period. His service was subsequently recognized by the United States Government by the allowance of bounty land.

Testimony accompanying the bill shows that the claimant is about 73 years of age and too infirm to make a support by manual labor. It is also shown that he is in needy circumstances.

There are many precedents for the allowance of pensions to the aged and worthy survivors of the old Indian wars, and your committee therefore return the bill with a favorable recommendation.

Amend by inserting the initial "S." in the claimant's name, so as to read "David S. Sanders."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2420.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13687.]

The Committee on Pensions, to whom was referred the bill granting a pension to Lizzie E. Haskett, have examined the same and report:

There was no report made to the House in this case. The proceedings therein were as follows:

LIZZIE A. HASKETT.

Mr. CHEADLE. I ask unanimous consent that the Committee on Invalid Pensions be discharged from the further consideration of the bill (H. R. 13687) granting a pension to Lizzie A. Haskett, a volunteer army nurse without pay.

The bill was read, as follows:

"*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, at the rate of $30 a month, subject to the provisions and limitations of the pension laws, the name of Mrs. Lizzie A. Haskett, formerly Miss Lizzie A. Denny, who was a volunteer nurse without pay during the late war, and who is now so nearly blind that she has to be led whenever she goes out of the house, and who is now old, poor, and in failing health."

Mr. CHEADLE. The chairman of the Committee on Invalid Pensions [Mr. Morrill] states to me that the amount of the pension in this case ought to be $25. I am perfectly willing that the bill be so amended.

Mr. LAWLER. How old is this lady?

Mr. CHEADLE. She is 55 years of age, and is blind. I ask unanimous consent to print in the Record in lieu of the report an affidavit setting forth the facts of the case.

There was no objection. The affidavit is as follows:

WASHINGTON CITY, *District of Columbia:*

Lizzie E. Haskett, of La Fayette, Ind., being first duly sworn, upon oath says, that she served as a volunteer nurse during the war of 1861–'65, from the battle of Rich Mountain, Virginia, in 1861, to Montgomery, Ala., about the close of the war, for the period of 17 months. That the places and length of service of the principal places were as follows: Memphis, Tenn., 9 months; Nashville, Tenn., 9 weeks; Chattanooga, Tenn., 6 weeks; La Fayette, Ind., after battle of Fort Donaldson, 6 weeks; Louisville, Ky., 1 month; Montgomery, Ala., 1 month, and for short periods at other places.

Affiant further says that in the year 1866 she lost the sight of her left eye, the result of a cold contracted while acting as nurse during the war, and that about two years ago the sight of her right eye was destroyed in an instant, and that physicians informed her and she believes that the sight of this was was lost through sympathy with the left eye.

Affiant says she has no property of any kind except her clothing; that she is 55 years of age and wholly dependent; that she never received 1 cent in compensation for services as nurse; that she now asks that she be granted such a pension as Congress may think proper.

her
LIZZIE E. × HASKETT.
mark

Witness:
JOHN H. ROGERS.

Sworn and subscribed to before me this 20th day of February, 1891.
[SEAL.]
JOHN H. ROGERS,
Notary Public, D. C.

There being no objection, the Committee on Invalid Pensions was discharged from the further consideration of the bill; and the House proceeded to consider the same.

Mr. CHEADLE. I move to amend the bill by striking out "thirty dollars" and inserting "twenty-five dollars."

The amendment was agreed to.

Mr. CHEADLE. I move further to amend by striking out "A," after Lizzie, where it twice occurs in the bill, and inserting "E."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read a third time and passed.

Mr. CHEADLE. I ask unanimous consent that the title of the bill be amended by substituting "E" for "A" after the word "Lizzie."

There being no objection, the title was amended accordingly.

These proceedings occurred on the 21st instant and appear on page 3248 of the Record of this present session. It is shown that the claimant was an efficient and faithful army nurse during the war of the rebellion at various points, and served as such for about 18 months. During her service therein she contracted a disease of the eyes which resulted in almost total blindness. She is quite old, infirm, and very poor. For these reasons we do recommend that the bill be passed.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2421.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13343.]

The Committee on Pensions, to whom was referred the bill (H. R. 13343) granting a pension to Augustus G. Frable, have examined the same and report:

From the facts stated in House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13343) granting a pension to Augustus G. Frable, submit the following report:

Augustus G. Frable was a member of Company I, Eleventh Pennsylvania Infantry Volunteers. He enlisted on the 28th day of August, 1861, and was discharged on the 8th day of June, 1865. While in the service he received a severe gunshot wound in the face, fracturing upper jawbones and injuring his eyesight, in the battle of the Wilderness, on the 5th day of May, 1864.

He applied for and is now drawing a pension of $30 a month. The last medical board that examined claimant on January 12, 1883, states as follows:

The ball entered left cheek 1½ inches from ala of nose, passing upward under the nose, fracturing the superior maxillary bone on line running to inner corner of left eye. The floor of the nose with the septum was fractured, which is now the seat of severe catarrh, so that he can not expose himself to cold air without being laid up with acute inflammation of the parts. The ball passed out three-quarters of an inch below the outer angle of right eye, fracturing superior maxillary bone. There has been continued conjunctivitis which has resulted in opacity of the cornea, and closing of nasal duct. A large, painful, and tender tumor has formed below the eye. He is constantly getting worse.

Disability, first grade.

J. L. CRAWFORD,
Examining Surgeon.

The affidavits of Drs. J. H. Hagen and J. C. McMurray, recently filed, show that he is constantly growing worse, the tumor growing larger and more painful, and in addition he is being afflicted with neuralgia and rheumatism, affecting his spine, which is the result of his wound. He is totally disabled and in destitute circumstances.

Your committee recommend the passage of the bill, with the following amendment: In lines 6 and 7 strike out "seventy-two" and insert "fifty" per month, and add "that nothing in this act shall prevent the Interior Department from increasing his pension on account of increased disability in the future, subject to the provisions and limitations of the pension law."

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2422.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany joint resolution (H. Res. 156) to print 10,000 copies of the work known as the "Growth of Industrial Arts."]

The Committee on Printing, to whom was referred the above joint resolution, having considered the same, report it back with proposed amendments, and thus amended recommend that it do pass.

PROPOSED AMENDMENTS.

1. In line 14, after the word "cost," insert the following words: "That the Public Printer is hereby authorized to contract for the printing and binding of the second edition proposed in this resolution, provided it can be done advantageously to the Government."
2. In line 14 strike out the words "Be it further."

The estimated cost of the printing and binding by the Public Printer is $23,000.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 243.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany joint resolution (H. Res. 158) providing for printing of the Fifth Annual Report of the Commissioner of Labor; 26,000 copies for the House, 13,000 for the Senate, and 15,000 copies for the Department of Labor.]

The Committee on Printing to whom the above joint resolution was referred, having considered the same, report it back with proposed amendments, and thus amended recommended its passage.

PROPOSED AMENDMENTS.

1. In line 3 after the word "printed" strike out the words "fifty-four thousand" and insert "thirty-five."
2. In line 5 strike out the words "twenty-six" and insert "twenty."
3. In line 6 after the word "and" strike out the word "thirteen" and insert the word "ten."
4. In line 7 after the word "and" strike out the word "fifteen" and insert the word "five."
5. In line 1 section 2 strike out the words "thirty-one" and insert the words "twenty-one."
6. In line 8 after the word "Labor" strike out all down to and including the word "direct" in line 10.
7. In line 3 section 2 after the word "report" strike out all down to and including the word "Labor" in line 6, section 2.

This makes the total number authorized to be 35,000 extra copies, which is thought by the committee to be a sufficiently large number, judiciously distributed, to meet all proper demands.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2424.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 2001.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2001) to remove the charge of desertion against Gardner Dodge, have duly considered the same and submit the following report.

In the House the following report was made:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2001) to remove the charge of desertion against Gardner Dodge, submit the following report:

Gardner Dodge was a private in Company L, Ninth Iowa Cavalry Volunteers. At the time of his desertion he was only about 16 years of age. His conduct was good from the time of his enlistment in 1863 until March 22, 1865, when he deserted. On April 3, 1865, he returned to his company. Charges were preferred against him and he was sentenced by a court-martial, May 11, 1865, to be shot; this sentence was modified by the commander of the department of Arkansas to dishonorable discharge and 10 years' imprisonment. On August 9, 1865, he was released from confinement, and on August 10, 1865, was dishonorably discharged from the service.

The soldier filed his affidavit with the Secretary of War, setting forth that he was in the guardhouse and the guards told him if he wanted to go they would let him escape, and that unless he escaped he would be court-martialed. He took their advice and escaped, and after a few days was returning to his regiment when he was captured by bushwhackers.

It appears from affidavits on file that this soldier was then a mere boy, only 16 years of age, and that his conduct was due, in a great measure, to the indiscretion of his extreme youth. Since his discharge he has borne an excellent character, and his good character has been vouched for by a large number of people of the highest character and standing.

His captain, J. G. Rockafellow, testified that the soldier was a mere boy, and that it was the universal belief in his company that the sentence and conviction were unmerited and unjust; that he was not represented by any attorney and made no defense whatever, and was given no opportunity to vindicate himself; that the soldier was not in fact a deserter, but had left his command temporarily, and was returning to his command when he was captured; that he did not leave his command with the intention of deserting and that he was in fact returning to his regiment when he was captured by the enemy. He was turned over to his command soon after his capture. His captain further swears that he believes the conviction was unjust and that the charge of desertion should be removed.

Norris Richardson, A. J. Cottrell, Martin Beason, Charles H. Jennings, W. R. Reynolds, James Early, A. B. Brobst, M. J. Pringle, James Smits, James R. Gentry, D. M. Wert, and Joseph Logaton all depose that they were members of the same company, and they all testify to substantially the same facts and opinions as Captain Rockafellow. Said Norris Richardson was first lieutenant of said company.

Thirty-five of the soldier's comrades join in a petition requesting the removal of the charges.

A petition signed by a very large number of the leading citizens of Jasper County, Iowa, has been presented, in which the excellent character of Mr. Dodge is certified.

He has resided since the war in said county, and has at all times borne an excellent reputation.

In view of the extreme youth and good character of the soldier, and in view of the opinion of his captain, lieutenant, and comrades, that injustice had been done him we think that the stigma attached to his name by the charge of desertion, and by the conviction and sentence, should be removed, and we therefore recommend the passage of the bill.

Your committee have carefully considered this case and the proceedings of said court-martial, and, in view of all the facts and circumstances in this case, it is apparent that cruel injustice was done this youthful soldier, who, by reason of his extreme youth could not have been held to military service, and should never have been mustered into the service.

It is only simple justice to authorize the Secretary of War to issue to him an honorable discharge as of the date of the sentence of the sentence of the court-martial.

Your committee have amended the bill accordingly, and as amended report it back to the Senate and recommend its passage.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2425.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate concurrent resolution authorizing the printing of 5,000 extra copies of the report of the Superintendent of the United States Coast and Geodetic Survey for the year 1890, together with the usual necessary progress sketches and illustrations; 1,000 copies for the Senate; 2,000 copies for the House, and 2,000 copies for the Coast and Goedetic Survey.]

The Committee on Printing to whom was referred the above resolution, report it back with the recommendation that it be indefinitely postponed, and that the House concurrent resolution, submitted herewith, to print the same number of the report, be passed.

It is the number of copies heretofore printed of this report. The cost will be $9,000.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2426.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate concurrent resolution authorizing the printing of 15,500 copies of the tenth annual report of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, uniform with the preceding volumes of the series; 3,500 for the Senate; 7,000 for the House, and 5,000 for the Bureau of Ethnology.]

The Committee on Printing to whom the above resolution was referred report it back with the recommendation that it be indefinitely postponed, and that the House concurrent resolution providing for the same printing, submitted herewith, be passed.

The report is the same in size and form, and the number proposed to be printed is the same, as previous reports by the same Bureau.

The cost of the printing and binding will be $27,841.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2427.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany resolution of Joe Hooker Post, No. 17, G. A. R., Department of Kansas, urging the passage of a bill ceding Fort Hays Military Reservation to Kansas for the purposes of a Soldiers' Home.]

The Committee on Military Affairs, to whom was referred the above-noted memorial, have had the same under consideration, and report it back adversely, and ask to be discharged from its further consideration.

Kansas has a Soldiers' Home at Leavenworth, and if additional homes are to be established by Government aid in any direction, the question of location would enter into the merits very largely. At present your committee fails to discover any pressing necessity for another home in Kansas that is not equally applicable to South Dakota, or Nebraska, Iowa, and several other States.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2428.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6407.]

The Committee on Pensions, to whom was referred the bill (H. R. 6407) granting a pension to Ruth S. Byron, have examined the same and report:

From the facts stated in House report, which is approved and hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 2436, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6407) for restoration of pension to Mrs. Ruth Stewart Byron, have had the same under consideration and beg leave to submit the following report:

The petitioner was pensioned as widow of Capt. Charles Byron. She was married March 28, 1885, to Sylvanus W. Payne, himself a pensioner, and thereby lost her pension. She has since been divorced and restored to her former name, as appears from a transcript of the decree among the papers. The evidence is not in the record; but the court found the facts alleged in her petition to be true. She was induced to marry, forfeit her pension, and go from her home in Ohio to California by a series of false and fraudulent representations that would vitiate any other than a marriage contract. The details of the cruelty, deception, and fraud practiced upon this estimable lady to induce her to leave her home in Ohio and live in California, and pay her own expenses to and fro and while there, are omitted for obvious reasons.

The member of Congress from the district in which she resides has known her for many years and is familiar with the facts of the case, and in an oral statement to the committee has satisfied each member of the merits of the claim for relief by restoration. The decree contains these words:

"And the court further finds, upon the evidence adduced, that the defendant has been guilty of gross neglect of duty toward the petitioner for 3 years next before the filing of the petition herein in failing to support the plaintiff with any of the necessaries of life, as is stated in said petition, and that by reason thereof she is entitled to a divorce as prayed for, and that the defendant has been guilty of fraud toward the plaintiff in procuring and inducing her to marry him, in all respects as is alleged in the petition, and that said petition is in all respects true."

Your committee are of the opinion that the marriage of Mrs. Byron should be regarded as void from its inception, and that her pension should be restored to her from March 28, 1885, and they accordingly recommend that this bill do pass; amended, however, by striking out all after the word "Byron" in line 6, and insert therein instead the words "to take effect from the passage of this act."

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2429.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 5458.]

The Committee on Pensions, to whom was referred the bill (H. R. 5458) granting a pension to Frances Jane McCloud, have examined the same and report:

From the facts stated in House report, which is hereby approved, attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 1368, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5458) granting a pension to Frances Jane McCloud, submit the following report:

Alexander McCloud, the husband of the proposed beneficiary under this bill, is shown by the records of the War Department to have enlisted in Company G, Eighteenth Missouri Volunteers, December 5, 1861; to have been present with his company up to March 11, 1862, when he entered hospital at St. Louis to be treated for "debility," and to have been discharged on account of "general debility" March 27, 1862. He died in December, 1869.

Mrs. McCloud applied for a pension on June 28, 1880, alleging that the soldier died of chronic diarrhea contracted in the service, which claim was rejected by the Pension Office in June, 1887, on the ground that the testimony on file, apparently the best obtainable, was insufficient to establish the fact of origin of the fatal disease in service and line of duty.

By the testimony filed by Mrs. McCloud and that obtained upon a special examination of the claim, it appears that the soldier was of sound bodily health at and prior to his enlistment; that he was ailing in the service, but nature of sickness not remembered, except by his captain, who testified that he suffered from "diarrhea."

The testimony as to his condition from discharge to date of his death is conflicting, some testifying that he appeared hale and hearty, while others testified that he was ailing. The physician who attended him in his last illness is dead, and those who attended him testified that his worst trouble just prior to death was severe chronic diarrhea, complicated with piles, and a rupture.

Taking into consideration the record of treatment in the service for "debility," and the ground for which discharged, the testimony of his captain that he suffered from chronic diarrhea, and that he had been ailing subsequent to his discharge; that the worst symptom during his last illness, which occurred but 7 years thereafter, was chronic diarrhea, your committee believe that it is safe to assume that soldier's death was due to causes originating in the service, and therefore return the bill with the recommendation that it pass, thereby granting relief to a poor soldier's widow, dependent upon her manual labor for the necessities of life.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2430.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8933.]

The Committee on Pensions, to whom was referred the bill (H. R. 8933) granting a pension to Mrs. Sue Ditto, have examined the same and report:

From the facts stated in House report, which is approved, attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 1845, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8933) granting a pension to Mrs. Sue Ditto, submit the following report:

Mrs. Sue Ditto is the widow of Gideon Ditto, who was a sergeant in Company B, Eighty-first Ohio Volunteer Infantry, and who was pensioned for wounds received and disease contracted in the service.

In his application for pension he alleges gunshot wounds, chronic diarrhea, jaundice, and other disabilities.

The widow filed her application for a pension, but was unable to clearly establish the cause of the soldier's death. Evidence shows the soldier was afflicted with rheumatism and heart disease while in the service, and never recovered from said disease until he died suddenly, and the cause of death is somewhat obscure, there being no physician present and no *post mortem* examination. The widow is poor and dependent, having no property or means of support, except her own manual labor. We think this a meritorious case, and recommend the passage of the bill.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2431.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8302.]

The Committee on Pensions, to whom was referred the bill (H. R. 8302) granting a pension to Mary E. Graham, have examined the same, and report that from the facts stated in House report, which is hereby approved and hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 1980, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to which was referred the bill (H. R. 8302) granting a pension to Mary E. Graham, respectfully reports as follows:

That said Mary is the invalid daughter of Barton W. Graham, late a sergeant in Company H, Sixty-third Regiment Indiana Volunteers, who enlisted in August, 1862, and was honorably discharged May 31, 1865; that at the time of his enlistment he was in a sound condition, and in good physical health, and that while he was with the Army and in the line of duty he sustained an injury at a place called Crooked Creek, in the State of Kentucky, in the month of January, 1863, while on picket and in line of duty, and at said time he was taken sick, and remained so for a long time; in fact, continued to be in a sickly condition and in uncertain health up to the time of his death, which occurred November 8, 1886, and the sickness contracted in the service was the cause of his death; that his said daughter is now 35 years of age, unmarried, and has no means of support, has been sick all her life, and is a confirmed invalid; and that said soldier, though often declaring that he would, never did apply for a pension, and left no widow surviving him; that owing to bodily infirmities said daughter is unable to earn a living.

The above facts are testified to by G. W. Boyd, Schuyler Latourette, James Mannowy, colonel of the Sixty-third Indiana, and Henry Latourette. In the light of the father's service, which seems to have been faithful, the fact that his health became impaired during the service, and was never restored, that he left no widow surviving him, and that his daughter is an object of charity, it would seem that this case calls for the candid and careful consideration of the committee.

Therefore your committee recommend the passage of the bill, amended, however, by striking out the word "twenty," in line 8 of the bill, and inserting the word "twelve," so as to grant her a pension of $12 per month.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2432.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8303.]

The Committee on Pensions, to whom was referred the bill (H. R. 8303) granting a pension to Malinda Lemmon, have examined the same and report:

From the facts stated in House report, which is hereby approved, attached, and made a part of this report, we believe this to be a meritorious bill and do recommend that it be passed.

[House Report No. 1858, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 8303) granting a pension to Malinda Lemmon, have considered the same and report:

The claimant's late husband, Samuel Lemmon, was a private in Captain Wilkins's company Indian Territory Militia from September 18 to November 18, 1811. The soldier died in March, 1846, and on May 6, 1878, she filed an application for pension which was rejected by the Pension Bureau on the ground that the service was rendered against the Indians prior to the beginning of the war of 1812, and hence there is no provision of law granting pension on account of same.

J. N. Land, of Carlisle, Ind., states that the claimant is 84 years old and entirely destitute.

There are many precedents for the allowance of pension on account of service in the old Indian wars, and the bill is therefore reported back with the recommendation that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2433.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4236.]

The Committee on Pensions, to whom was referred the bill (H. R. 4236) granting a pension to John George, have examined the same and report:

From the facts stated in House report, which is hereby approved, attached, and made a part of this report, we believe this to be a meritorious bill and do recommend that it be passed.

[House Report No. 2348, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4236) pensioning John George, submit the following report:

John George, the claimant, is the dependent father of Lafayette George, deceased, who enlisted in Company H, Fourteenth Illinois Infantry, May 23, 1861, and was discharged June 18, 1864. Claimant filed application for pension as dependent father of deceased soldier November 20, 1879, alleging in declaration that his son, Lafayette George, died from the effects of chronic diarrhea on the 1st day of January, 1865, at Bloomington, Ill., and that said disease was contracted while in the service. Also that he was dependent on his son for support.

The testimony in the case corroborates claimant's allegations as to dependence, he being at the time of the soldier's death and ever since in reduced financial circumstances. Claimant furnishes no positive proof that his son's death was due to his service, for which cause his claim was rejected at the Pension Bureau. There being no records on file of soldier's regimental hospital, therefore his inability to show record of incurrence; but the fact of the prevalence of chronic diarrhea in the service and the soldier's death from that disease in less than 7 months after discharge is strong presumptive evidence that the disease was contracted in the service. The evidence shows that claimant has no means for support; that he is 80 years old, and physically unable for the performance of any kind of labor.

Your committee recommend the passage of the bill with the following amendment: In line 6, after the word "of," insert "Lafayette."

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2434.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7928.

The Committee on Pensions, to whom was referred the bill (H. R. 7928) granting a pension to Jesse G Hamilton, have examined the same and report:

From the facts stated in House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 2006, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7928) granting a pension to Jesse G. Hamilton, submit the following report:

The claimant enlisted in Company B, Twenty-first Indiana Heavy Artillery, on the 24th day of July, 1861. Discharged by reason of hernia April 1, 1862. Filed declaration for pension March 27, 1869, alleging that at Newport News, Va., about March 1, 1862, while lifting a log to build a fire, he incurred rupture of right side. Declaration filed April 3, 1880, alleges that from carrying a heavy log for fire-wood at the hospital near Newport News, Va., in March, 1862, he received a rupture of the right side. This case was finally rejected after a lengthy special examination. Reason stated, the evidence is insufficient to overcome the adverse record, but strongly leads to prove that claimant was slightly ruptured at date of enlistment.

The fact of existence of disability at discharge is established beyond doubt; therefore rejection was based principally upon the hypothesis that disability existed at enlistment. Ezra Read, surgeon Second Indiana Volunteers, who signed claimant's certificate of disability for discharge, made the remark on said certificate that disability existed at time of enlistment. Dr. Salem A. Tilford, president of the examining board at Martinsville, Ind., states that before the war he had frequently given claimant and family treatment, and in his opinion claimant was a sound man and free from hernia when he enlisted in the service. Doctor Wilhite, a practicing physician for 28 years, testifies that he knew claimant before his enlistment; that he was a sound man; that the fall and winter of 1861 he was in the hospital at Baltimore with claimant, they both being nurses; that about March, 1862, they went to Newport News; that claimant was cook and nurse in hospital; that soon after arrival at Newport News claimant became ruptured by lifting a heavy log.

Ten or twelve witnesses testify that claimant was a sound man to all appearance before enlistment, and was performing heavy and laborious work prior to enlistment. Special Examiner Cox says claimant has excellent reputation for truth and veracity, is broken down physically and financially destitute, believes the claim has merit, and recommends further examination. Special Examiner McCoy finds claimant to have good reputation in Indiana, where he enlisted; that all the witnesses which he examined except one believed claimant was sound at enlistment. He also recommended further examination.

From the large amount of testimony showing that claimant was sound at and prior to enlistment your committee are inclined to give him the benefit of the doubt, with favorable report recommending that the bill do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2435.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3080.]

The Committee on Pensions, to whom was referred the bill granting a pension to George S. Howard, have examined the same and report:

From the facts stated in House report, which is hereby approved, and a hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 2005, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3080) granting a pension to George S. Howard, submit the following report:

Claimant enlisted as a private in Company E, Twentieth Ohio Infantry, April 17, 1861. Discharged August 18, 1861. Made application for pension in 1883, alleging that he contracted chronic diarrhea while in line of duty during campaign in Virginia about July 1, 1861; that he was treated in regimental hospital for said disease. Surgeon-general reports that there are no regimental hospital reports on file for the Twentieth Ohio previous to October, 1861. There are no reports of the company to which claimant belonged on file in the Adjutant-General's Office except muster-in and muster-out rolls, therefore claimant is unable to furnish any record of disability.

Two comrades belonging to claimant's company and regiment testify that claimant contracted chronic diarrhea at or near Burton Station, Va.; that he was left sick at Battery Knob, Va.; that he was continuously sick with said disease until mustered out at expiration of service, and further, that prior to about July 1 claimant was sound and in good health. Two witnesses testify that they were near neighbors to claimant prior to his enlistment, and that he was a sound and healthy man, that when he returned home after discharge he had chronic diarrhea, which often confined him to his bed, and that the said disability continued with claimant up to the time when he went West, which was in 1870. Several witnesses testify to the continuation of claimant's disability from 1870 to the present time. Dr. Kirby, a practicing physician in the State of Iowa, testifies that he has treated claimant for chronic diarrhea; also, Dr. Matthews makes affidavit that he has several times given claimant treatment for said disability. Notwithstanding the absence of hospital record in this case, your committee are of the opinion that there is merit in it; while the testimony does not come up to the standard required at the Pension Office as to incurrence, that fact being established by two comrades, and continuous disability since discharge warrants your committee in making favorable report; therefore we recommend that the bill do pass.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2436.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R 10890.]

The Committee on Pensions, to whom was referred the bill (H. R. 10890) granting a pension to Thomas F. Baker, have examined the same and report:

From the facts stated in House report, which is hereby approved, attached, and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 3801, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10890) granting a pension to Thomas F. Baker, submit the following report:

Claimant was a corporal in Company F, Sixtieth Regiment Enrolled Missouri Militia. The captain of his company, John B. Newberry, makes affidavit that on or about February or March, 1863, the claimant, Thomas F. Baker, while in line of duty, and in battle at or near Butler, Mo., received a wound in the hip or near the hip joint. The captain states that the facts were personally known to him, as he was at the time in command of the company and remembers that claimant was brought in wounded.

John H. Deviny and James M. Ray testify that they were members of claimant's company and present with the command when claimant received his wound, and corroborate the testimony of Captain Newberry as to the time and place.

Claimant is not entitled to pension under existing law, because he did not complete his claim prior to the 4th day of July, 1874 (third paragraph, section 4693, Revised Statutes).

This case being in line of established precedent, your committee make favorable report and recommend that the bill do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2437.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12234.]

The Committee on Pensions, to whom was referred the bill (H. R. 12234) granting a pension to George Garfield, have examined the same and report:

From the facts stated in House report, which is hereby approved and is hereto attached and made a part of this report, we believe this to be a meritorious bill and do recommend that it be passed.

[House Report No. 3826, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12234) to increase the pension of George Garfield, second lieutenant of Company D, Third Ohio Volunteer Cavalry, submit the following report:

The claimant, George Garfield, was a second lieutenant in Company D, Third Regiment Ohio Volunteer Cavalry, war of 1861. He was enrolled at the organization of the company and served with it until August 20, 1864, when he was very severely wounded in action at Lovejoy's Station, Ga., and left upon the field as dying or dead. His family were informed that he was mortally wounded and could not recover, and resolutions of condolence passed and transmitted to them by Companies H and D of the regiment and its officers, copies of which, and letters transmitting the information, are hereto attached and made a part of this report. The wound was occasioned by a minnie ball which entered the front of the neck and passed out at the right of the spinal column. He was captured by the Confederate forces, and subsequently exchanged, or released, at the close of the war. He did not die, as was expected he would, but his condition after recovery is shown to have been a complete loss of use of right arm. His present condition is shown by the report of the medical examining board at Toledo, Ohio, dated May 22, 1890, on his claim for increase of pension. (He is now drawing $30 per month.) That board says:

"Pensioner can raise left arm above the head; movements of arm but a little impaired. Can raise right arm only about halfway from body to a level with the shoulder. All the fingers are shrunken and atrophied; none of them can be made to touch the palms. The use of the thumbs is impaired, but both touch the palms; has but little grip in the hands, but is able to write and button his clothes. Muscles of arms are atrophied; he can not use his arms well enough to take off or put on his coat. He requires the aid of another person a part but not all the time. He has no assistant with him while before us to-day. He should have something more than $30, but is not entitled to $72, as we understand the ratings."

Under this report the Pension Commissioner rejected the claim for increase, and upon appeal his ruling was sustained by the Secretary of the Interior.

The extent of the disability is further shown by evidence filed in the claim, and which establish a much higher degree of disability than the entire loss of a right arm. Your committee therefore conclude that the pension of this petitioner should be increased to $50 per month. We therefore recommend that the bill be amended by striking out the word "fifth" in the title and inserting in lieu thereof the word "third;" also amend the bill by striking out all of the bill after the word "fifty" in line 6, and substituting in lieu thereof the following:

"And pay to him from and after the date of the approval of this act a pension at the rate of forty-five dollars per month," and as thus amended we recommend the passage of the bill.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2438.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TUPRIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 1143.]

The Committee on Pensions, to whom was referred the bill (H. R. 1143) granting a pension to Jacob Berg, have examined the same and report:

From the facts stated in the House report, which is hereby approved, attached to and made a part of this report, we believe this to be a meritorious bill and do recommend that it be passed.

[House Report No. 3927, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1143) granting a pension to Jacob Berg, submit the following report:

The evidence on file shows that the claimant, a German, enlisted in a regiment which was then being raised at Guyandotte, W. Va., November 10, 1861; that the raising of the regiment was retarded, but those men there remained in camp under the command of one Colonel Skinner; that while so in camp the same was attacked by a regiment of Confederate cavalry under the command of Colonel Jenkins, and that in resisting said attack, the cavalry being successfully resisted, the claimant was badly wounded by a gunshot wound through the upper part of the left leg, for which he was treated at a cost to himself of $35. From that wound the claimant has never recovered.

He remained in camp, being treated for said wound, until April 29, 1862, when the regiment was mustered into the service of the United States; but the claimant was rejected on account of said gunshot wound, and consequently was not mustered into service, and has no pensionable status at the Pension Office, and his claim was for that reason rejected.

Your committee, believing this to be a meritorious case, would recommend the passage of the bill.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2439.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12321.]

The Committee on Pensions, to whom was referred the bill granting a pension to Harlan E. King, have examined the same and report:

From the facts stated in House report, which is hereby approved and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 3786, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12321) to increase the pension of Harlan E. King, have considered the same and submit the following report:

The claimant is now pensioned at $45 per month under act of February 29, 1889, for gunshot wound of left thigh and resulting varicose veins. From the report (No. 3605) in the second session of the Fiftieth Congress we quote the following as showing his physical condition at that time:

The claimant is now pensioned at the rate of $30 per month for gunshot wound of left thigh and resulting varicose veins. He filed application for increase, alleging that he was entitled to increase on account of gunshot wound of left thigh, which has resulted in producing varicose veins of the left thigh and leg and of the lower part of the abdomen, and that as a result of said wound his testicles have shrunken to about one-eighth their former and natural size, rendering him wholly impotent. That said varicose veins began to appear in 1869, and his testicles have been shrinking since 1867. Both said results have been increasing until the present condition has been reached.

Irvin J. Beckwell, M. D., a medical graduate, testifies that he began treating claimant at the city hospital, Indianapolis, about April, 1873.

After fully describing the case, he says:

"During the time (about 15 years) of my almost constant observation and treatment of his case, have known him to suffer excruciating pain in leg, and have often been called upon to give him anodynes internally or to apply morphine directly to the ulcer for the relief of pain. For weeks at a time said applicant has been unable to leave his room, requiring the services of an attendant. He is entirely unfit to do manual labor. Think his disability is liable to remain permanent in its present degree, or more likely to become worse. I would prefer having my leg amputated at the thigh to being in his condition. The matter of amputation has been repeatedly mentioned, and I have always given it as my opinion that he would not survive the operation. His entire system seems diseased, and it seems necessary for him to take remedies for the improvement of his blood nearly constantly."

William T. Fulton testifies that he has known applicant for 7 years last past, and during that time has made his home and boarded at the same place with said claimant, and he knows from personal knowledge that said claimant has during all that time at frequent intervals been confined to his room and bed for periods ranging from 4 to 10 weeks at a time, during which *time his meals* would have to be carried to him and he would *require the aid and assistance of* some one.

Enoch Rhorer testifies that he has been well acquainted with claimant about 14 years, and during the last 7 years claimant has resided with him all the time except 1 year, and during that time, every year thereof, at frequent intervals, claimant would be confined to his room for periods ranging from 1 week to 10 weeks, during which time he had to see that his meals were carried to him, and he required the aid and assistance of some one in his room all the time to dress and bathe his leg, give him medicine, and otherwise take care of him.

Isaac H. Hall, Alonzo Doty, and Jacob H. Martin, all neighbors who have been acquainted with claimant many years, testify substantially to the foregoing facts.

The claimant appeared before the medical board of the Pension Office and was examined September 13, 1888. The examination revealed about the condition above stated, but under existing laws no higher rating could be made than that under which the claimant is now pensioned.

The claimant alleges that during the last 2 years his disabilities have constantly and rapidly increased, and that he now requires the constant attendance of a nurse.

A personal examination of the claimant by a member of the committee led to the opinion that while amputation of the left leg would be perferable to its retention, in the present diseased and helpless condition such an operation would result in the death of the claimant.

Upon consideration of the facts above stated, we are of the opinion that this is a meritorious measure, and recommend its passage, amended, however, in line 5, by striking out the word "seventy-two" and inserting the word "sixty," and amended further by adding at the close of the bill the words "and this legislation shall not preclude the pensioner from receiving further increase by application at the Pension Office, subject to the provisions and limitations of the general pension laws of the United States."

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2440.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13206.]

The Committee on Pensions, to whom was referred the bill (H. R. 13206) granting a pension to Emily J. Welker, have examined the same and report:

From the facts stated in House report, which is hereby approved, attached to and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 3929, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13206) granting a pension to Emily J. Welker, submit the following report:

The claimant is the widow of Henry Welker, of the Eighty-eighth Illinois Volunteers. She was placed upon the pension roll as widow of said soldier, having furnished the proper evidence. She remarried one Isaac Wilson and thereby forfeited her pension. She has obtained a divorce from said Wilson on account of cruel and inhuman treatment. She is in destitute circumstances.

Your committee recommend that she be restored to the pension rolls, and that the bill do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2441.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13318.]

The Committee on Pensions, to whom was referred the bill (H. R. 13318) granting a pension to Agnes C. Junot, have examined the same and report:

From the facts stated in House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill and do recommend that it be passed.

[House Report No. 3883, Fifty-first Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 13318) granting a pension to Agnes C. Junot, have considered the same and report:

Mrs. Junot is the widow of Charles Junot, who was pensioned at $8 per month by special act of Congress approved October 16, 1848, and died April 23, 1890.

The report on the deceased soldier's bill shows the service upon which his pension was based and reads as follows:

"The claimant, under the name of Thomas Jones, was a private in Capt. Alexander Jernigan's company of Florida Mounted Militia from March 2, 1840, to November 14, 1840; and the regiment did duty in the Florida Indian war. A land warrant was allowed this claimant for the services rendered, his identity being established in that claim.

"He is now 66 years of age, and in needy circumstances, being also physically disabled.

"His case would fall within the provisions of the general-service pension bill for the survivors of the Indian wars from 1832 to 1842, favorably reported by this committee at the present session of Congress.

"Your committee recommend the allowance to the claimant of a service pension, and therefore report the bill back recommending its passage; amended, however, by striking out, in lines 4 and 5, the words 'subject to the provisions and limitations of the pension laws,' and inserting at the end of the bill the words 'and pay him a pension at the rate of $8 per month.'"

Dr. J. C. Hood, of Louisville, Ky., certifies under date of January 17, 1891, as follows:

"I hereby certify that I attended Charles Junot, deceased, and have known his widow before and since the death of her husband. I know her to be a deserving woman and in need of the pension which her husband received before his death. She is entirely dependent, with no source of income except her own labor."

The passage of the bill is respectfully recommended.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2442.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12642.]

The Committee on Pensions, to whom was referred the bill (H. R. 12642) granting a pension to Elnora A. Dixon, have examined the same and report:

From the facts stated in House report, which is hereby approved, attached to and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House report No. 3782, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. (12642) granting a pension to Elnora A. Dixon, submit the following report:

The evidence in this case shows that the seaman James B. Dixon enlisted in the United States service on the 7th of September, 1861, and served until March 3, 1863, when he was discharged; that he drew a pension, on account of disabilities contracted in said service, from March 4, 1863; that he died April 23, 1880, leaving a widow, since married, and the claimants Elnora Dixon, Ida M. Dixon, and George B. Dixon, his only children surviving; that George B. Dixon has since died, Elnora A. Dixon is over 26 years of age, and Ida M. Dixon is over 16 years of age; that the claimant Elnora Dixon is and has been a cripple for over 10 years, and at this time is unable to walk or do anything and is helpless; that she has no property or means of support.

Your committee therefore recommend the passage of the bill with the following amendments:

(1) Strike out the word "Lenora" wherever it occurs in the bill and insert in lieu thereof the words "Elnora A.," so that the full name of the claimant shall read "Elnora A. Dixon."

(2) Strike out the word "eighteen," in line 9, and insert in lieu thereof the word "twelve."

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2443.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12564.]

The Committee on Pensions, to whom was referred the bill (H. R. 12564) granting a pension to Mrs. Martha A. Brooks, have examined the same and report:

From the facts stated in House report, which is hereby approved and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and recommend that it be passed.

[House Report No. 3885, Fifty-first Congress, first session.]

Mrs. Brooks is the widow of Josiah M. Brooks, who served as a private in Capt. John L. Mean's company of Georgia Volunteers, in the Creek Indian war of 1838. His service in said company covered a period of 3 months and 10 days.

In an affidavit accompanying the bill, J. M. Ammans and J. W. Arnold, citizens of Walton County, Ga., testify that Mrs. Brooks is between 70 and 75 years old, in feeble health, and entirely unable to support herself by manual labor; also, that she has no property or income except a life interest in 40 acres of land, and that the income from the same is entirely insufficient to support and maintain her.

Your committee have reported a general bill to the House which, if passed, would give this applicant a pension. There are numerous precedents for the allowance of pensions by special act to the widows of the old Indian war soldiers, and as this claimant is shown to be deserving and needy, the passage of the bill for her relief is recommended, with an amendment to fill in the blank in the bill with the word "twelve," so as to fix the rate of pension at $12 per month.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2444.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13223.]

The Committee on Pensions, to whom was referred the bill (H. R. 13223) granting a pension to Susan A. Malone, have examined the same and report:

From the facts stated in House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill and recommend that it be passed.

[House Report No. 3868, Fifty-first Congress, second session.]

Mrs. Malone, who resides at Columbus, Ga., is the widow of Benjamin F. Malone, who served as a private for a period of nearly 4 months in the company known as the Columbus (Georgia) Guards commanded by Capt. J. A. Urquhart, in the Indian war of 1836. This service is a matter of record in the office of the Second Auditor, United States Treasury.

The bill is accompanied by an affidavit of D. G. Bowers, James J. Slade, F. G. Wilkins, and W. A. Bedell, setting forth that they are personally acquainted with Mrs. Malone, and know her to be the widow of Benjamin F. Malone, and that she is now past 70 years old and entirely dependent upon her friends for support. This testimony is fully corroborated by the statement of the gentleman who introduced the bill in the House, and who has been acquainted with Mrs. Malone for many years.

The passage of the bill is recommended, with an amendment to fix the rate of pension at $12 per month.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2445.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 8570.]

In the House the following report was made, to-wit:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8570) for the relief of Maj. John M. Laing, having considered the same, respectfully report:

This bill proposes to relieve John M. Laing, late major of the Fifteenth Regiment of Kansas Volunteer Cavalry, from all disabilities growing out of the sentence of the court-martial dismissing him from military service, and to honorably muster him out of said service from the date of March 14, 1865. It provides, however, that he shall not be entitled to any pay or emoluments to which he would not be entitled without the passage of this bill.

John M. Laing was mustered into the service as major of the Fifteenth Regiment of Kansas Volunteer Cavalry on October 19, 1863, at Fort Leavenworth, to serve 3 years. In March, 1865, he was tried by court-martial and found guilty of the charge of permitting officers and enlisted men to straggle from the column and to commit acts of violence, and also of taking from a house a bedspread and winding it around his person. The following letter written by General Charles W. Blair, of Leavenworth, a brave and gallant soldier and a distinguished officer in the war of the rebellion, who was familiar with all the circumstances, explains the matter fully.

I have examined the court-martial records in regard to the dismissal of Major Laing very carefully, and I have a pretty good recollection of the circumstances which formed the subject of the inquiry, and I am satisfied that grave injustice was done by the sentence under which he has suffered for more than 20 years.

The court was composed largely of regular Army officers, great sticklers for a severer discipline than could prevail in a volunteer force under the special circumstances of the case. It was formed to try a number of officers of the Fifteenth cavalry, with the colonel, Jennison, at the head. Public opinion was inflamed because of the atrocities committed by Jennison's brigade on its return march from the Price raid—a victim was necessary—and poor Laing, young, inexperienced, believing in his colonel, knowing nothing of war except as taught in a bad school, was made this victim. He suffered vicariously for the sins of others. I knew Major Laing well then—I know him well now, and I do not believe he ever did a wrong willingly in his life. He may have been, and was, heedless and thoughtless, but he would not intentionally injure another. I call your attention to the record and proceedings of the court. He was found *not guilty* of cowardice, and not guilty of stealing a lady's watch. These were the only grave charges.

He was found guilty—

(1) Of taking a coverlet from a house and throwing it around his shoulders. (I am afraid the best accusers might have done that if the weather had been cold.)

(2) Of saying that he could not control his men when applied to restore some beds taken by them. He was 21 years of age, and the men were old in insubordination and many of them in wickedness. It was true, and he should not have been punished for telling the truth.

(3) He jocularly said to a lady with a complaint of his men, "tell Sergt. George B. McClellan to shoot 2 men." A grave charge indeed for which to dismiss an officer and keep him under a stigma forever.

(4) Permitting his men to straggle and commit violence. Probably every officer of the court has been guilty of this offense to the same extent that he was.

It seems incredible now for these four trivial offenses that Major Laing should have been sentenced "to be dismissed from the service and forever incapacitated from holding any military position in the service of the United States." And yet such is the record, and his offense was that of poor dog Tray, he was in bad company.

The court was aimed at Jennison and he has long since been pardoned, leaving Major Laing the only sufferer.

You know him well, know his standing here, know that Kansas has no better citizen, and I think you ought to be able to remove this stigma. If you do you will have the warmest thanks of his thousand friends, and none more heartily than

Yours, very sincerely,

CHAS. W. BLAIR.

Hon. W. A. Johnson, who was lieutenant in the command who preferred the charges, says that the sentence was a very severe one and that great injustice was done Major Laing.

Maj. W. O. Gould, judge-advocate of the court, also expresses the same opinion.

Col. R. H. Hunt says:

"I regard it a great injustice to the major and his family to suffer so long under a cloud on account of youthful indiscretion and want of judgment. Guilty of what? Guilty of what older men than he were guilty of, and had I been in the department at the time he never would have been found guilty (I went away with General Curtis), but there was great irregularity in that campaign, and doubtless a young victim had to be found to shield some of the older and more experienced offenders."

A careful examination of all the papers in the case convinces your committee that a great injustice has been done this young officer, and believing it but a simple act of justice to remove the cloud under which he has so long rested, your committee recommends the passage of this bill.

Your committee applied to the Secretary of War for the military record of Major Laing and the proceedings of the court-martial in his case, and received in reply the following letter and accompanying copy of the court-martial proceedings, to wit:

Proceedings of a general court-martial, convened at Fort Leavenworth, Kans., pursuant to the following special orders:

SPECIAL ORDERS, No. 22. HEADQUARTERS DEPARTMENT OF KANSAS, *January* 26, 1865.

[Extract.]

5. A general court-martial is hereby appointed to meet at Fort Leavenworth, Kans. on Monday, the 30th day of January, 1865, or as soon thereafter as practicable, for the trial of Col. C. R. Jennison, Fifteenth Kansas Volunteer Cavalry, and such other officers as may be properly brought before it.

DETAIL FOR THE COURT.

Maj. Gen. George Sykes, U. S. Volunteers.
Brig. Gen. Thomas A. Davies, U. S. Volunteers.
Col. W. R. Davis, Sixteenth Kansas Volunteer Cavalry.
Lieut. Col. Samuel Walker, Sixteenth Kansas Volunteer Cavalry.
Maj. W. O. Gould, Fourteenth Kansas Volunteer Cavalry.
Capt. E. P. Elmer, Second Colorado Veteran Volunteer Cavalry.
Maj. Allen Blacker, First Nebraska Veteran Cavalry, judge-advocate.

No other officers than those named can be assembled without manifest injury to the service.

The court will sit without regard to hours, the cases demanding, in the opinion of the commanding general, immediate example.

By command of Major-General Curtis.

C. S. CHARLOT,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 41.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., February 10, 1865.

[Extract.]

5. Lieut. Col. Samuel Walker, Sixteenth Kansas Volunteer Cavalry, is hereby relieved from duty on general court-martial, and will report to his regiment for duty.

By command of Major-General Dodge.

JOHN WILLIAMS,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 55.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, February 24, 1865.

[Extract.]

2. Capt. S. P. Thompson, Sixteenth Kansas Cavalry, is hereby appointed a member of the general court-martial now in session.

By command of Major-General Dodge.

JOHN WILLIAMS,
Assistant Adjutant-General.

FORT LEAVENWORTH, KANS.,
Friday, March 3, 1865.—10 o'clock a. m.

The court met pursuant to adjournment.

Present, Maj. Gen. Geo. Sykes, U. S. Volunteers; Brig. Gen. Thomas A. Davies, U. S. Volunteers; Col. W. R. Davis, Sixteenth Kansas Volunteer Cavalry; Maj. W. O. Gould, Fourteenth Kansas Volunteer Cavalry; Capt. E. P. Elmer, Second Colorado Veteran Volunteer Cavalry; Capt. S. P. Thompson, Sixteenth Kansas Volunteer Cavalry.

The court then proceeded to the trial of Maj. John M. Laing, Fifteenth Kansas Volunteer Cavalry, who was called before the court, and having heard the orders appointing the court read, was asked if he had any objections to any member named in said orders, to which he replied he had not.

The court was then duly sworn by the judge-advocate, and the judge-advocate was duly sworn by the president of the court, all in the presence of the accused.

The accused applied to the court to be permitted to introduce R. J. Lewis, esq., as his counsel, which application was granted, and he appeared as counsel for the accused.

Charges and specifications against John M. Laing, Fifteenth Regiment Kansas Cavalry Volunteers.

CHARGE I.—Cowardice.

Specification. In this, that the said John M. Laing, Major Fifteenth Kansas Cavalry Volunteers, then being with his regiment in front of the enemy, having been detailed by his commanding officer, Col. Charles R. Jennison, Fifteenth Kansas Cavalry Volunteers, with companies B, C, F, and M, of his regiment, to watch the movements of the enemy on his left flank did, while the enemy were attempting to interpose a force between his and the main command of the Federal forces, shamefully retreat to Olathe, Kans., a distance of nearly 20 miles from where the forces were engaged, and with no enemy in pursuit of his command. This near Hickman's Mills, in the State of Missouri, on the 22d day of October, 1864.

Specification 2. In this, that Maj. J. M. Laing, Fifteenth Kansas Volunteer Cavalry, having retreated with his command to Olathe, as before recited, and remaining there until the morning of the 23d of October, 1864, did then move with the command towards Kansas City, Mo., but on learning, when near Shawneetown, that a party of rebels occupied that place, did, without waiting to ascertain the truth of the report or the force of the enemy, order a retreat to the north bank of the Kansas River, and did continue to retreat, shamefully and rapidly, all day until he reached Kansas City, Mo.

All this in the field and in front of the enemy on the 23d day of October, 1864.

CHARGE II.—Neglect of duty to the prejudice of good order and military discipline.

Specification. In this, that the said Maj. John M. Laing, Fifteenth Regiment of Kansas Cavalry Volunteers, being on the march *from the* Arkansas River, in the State of

Arkansas, to Fort Scott, in the State of Kansas, and being in command of his regi ment, did permit the officers and enlisted men of his command to straggle from th column at will and to commit various acts of violence upon persons and property o unoffending, unarmed citizens and defenseless women and children; such as takin money from women by force and arms, pillaging houses and burning them, drivin away the stock and seizing wearing apparel, appropriating the same to private us and benefit; this without distinction of party or condition and without any effort on the part of him, the said Maj. John M. Laing, to prevent such excesses upon th part of the officers and men of his command, this at Canehill, Prairie Grove, an Bentonville, in the State of Arkansas, and at Newtonia, Granby, Sarcoxie, and Car thage, in the State of Missouri, and in the entire county through which the said Fif teenth Regiment Kansas Volunteers marched, from Canehill, in the State of Arkan sas, to Carthage, in the State of Missouri, during the month of November, 1864.

CHARGE III.—Conduct unbecoming an officer and a gentleman.

Specification 1. In this, that he, the said John M. Laing, major Fifteenth Regimen Kansas Cavalry Volunteers, being then on the march from Canehill, in the State o Arkansas, to Fort Scott, in the State of Kansas, and in command of his regiment, di enter the private house of one Greenwood, in company with other officers and enliste men of his command, and did take from said house a bedspread or coverlet, which he Maj. J. M. Laing, did wind about his person, dancing and acting in the most unbe coming manner; and, further, that he, the said Maj. John M. Laing, did assist a pri vate soldier of his command in breaking open a trunk taken from the house of sai Greenwood and did take from said trunk one silver dish and a lady's gold watch appropriating the same to his own private use and benefit, at the same time boastin of his skill in knowing how to get the start of the boys.

This at Bentonville, in the State of Arkansas, on or about the 16th day of Novem ber, 1864.

Specification 2. In this, that the said John M. Laing, major Fifteenth Regimen of Kansas Cavalry Volunteers, being applied to as commanding officer of sai regiment for the restoration of certain beds, bedding, and other household property which the soldiers of his command had taken from a private house, did reply to th old lady making such application, "I can not control my men." If I should orde them to do that, they would shoot me, you see I'm afraid of them."

This, near Bentonville, in the State of Arkansas, on or about the 18th day of No vember, 1864.

Specification 3. In this, that he, the said John M. Laing, major of the Fifteenth Regi ment of Kansas Cavalry Volunteers, and being in command of said regiment, applica tion having been made to him, the said Maj. John M. Laing, for the restoration o certain household property taken from a private house by the soldiers of his com mand, did answer the lady making such application in terms of derision, saying "Tell Sergt. George B. McClellan, when he comes up, to have some of these me shot," and passed on without any endeavor whatever to restore the property i question.

This, near Bentonville, in the State of Arkansas, on or about the 18th day of No vember, 1864.

W. A. JOHNSON,
Second Lieutenant M Company, Fifteenth Kansas Cavalry Volunteers.

To which charges and specifications the accused pleaded as follows:
To the first specification under charge 1, "Not guilty."
To the second specification under charge 1, "Not guilty."
To charge 1, "Not guilty."
To the specification under charge 2, "Not guilty."
To charge 2, "Not guilty."
To the first specification under charge 3, "Not guilty."
To the second specification under charge 3, "Not guilty."
To the third specification under charge 3, "Not guilty."
To charge 3, "Not guilty."

CHARLES R. JENNISON, colonel of the Fifteenth Kansas Volunteer Cavalry, a wit ness on the the part of the prosecution, was duly sworn in presence of the accuse and examined.

By the JUDGE ADVOCATE:

Q. State your position in the service?—A. I am colonel of the Fifteenth Kansa Volunteer Cavalry.

Q. On what duty were you engaged in the months of October and November last?— A. I was commanding the First Brigade, First Division, Army of the Border.

Q. Was your regiment part of that brigade?—A. It was.

Q. Where was your regiment stationed on the 22d of October, 1864?—A. On the Blue.

Q. On what duty was the accused engaged?—A. He was commanding one battalion of the Fifteenth regiment.

Q. Who was in command of the regiment on that day?—A. Lieut. Col. George H. Hoyt.

Q. State if any orders were issued to the accused on the 22d day of October, 1864, in regard to proceeding to Hickman's Mills, and, if so, state what those orders were, particularly.—A. I received an order from Major-General Blunt on the morning of the 22d to move with my force to Byron's Ford, and hold the ford to prevent Price's force crossing, and also to send a sufficient scouting or reconnoitering force to Hickman's Mills. I directed the accused to move with 3 or 4 squadrons—I think 4—of the Fifteenth regiment to the vicinity of Hickman's Mills and ascertain if Price's force was moving south in that direction as reported, with instructions not to allow his force to be cut off and to fall back if compelled to in the direction of Kansas. I think that was about the instructions.

Q. State what you know in regard to the execution of that order by the accused.—A. I know nothing about it.

Q. What time did he leave Byron's Ford, where the order was given?—A. I should say between 10 and 12 o'clock.

Q. When did he next rejoin your command?—A. On the march from Westport to Fort Scott.

Q. Can you state at what point and on what date?—A. I think it was on the 23d or 24th; the exact point I don't remember; I think it was just before we arrived at Westport, or near there.

Q. What was his command after he joined your brigade?—A. I believe Lieutenant Colonel Hoyt did not organize the regiment into battalions. I think he was the only field officer present but Colonel Hoyt.

Q. How far was Price pursued?—A. To the Arkansas River.

Q. What was the accused's command; on the return march to Kansas, that is to say, was he in command of a battalion or of the regiment?—A. Officially he was in command of a battalion.

Q. Actually?—A. Actually.

Q. Who was in command of the regiment?—A. Lieutenant-Colonel Hoyt.

Q. Did Colonel Hoyt march with the regiment?—A. The greater part of the time. He rode in an ambulance along with the command, as did many of the officers at that time.

Q. Can you state the date upon which you reached Fort Scott, Kansas, on your return march?—A. I think it was about the 23d or 24th of November. I wish to explain one answer. Colonel Hoyt was placed in command of the regiment by orders from me. He came to me one morning and stated that he felt unwell and would place Major Laing in command of the regiment. I supposed it was temporary and made no order relieving Colonel Hoyt or placing Major Laing in command of the regiment. The day previous to our arriving at Fort Scott Colonel Hoyt asked permission to proceed in advance with the surgeon to Fort Scott, which permission I granted.

Cross-examination by the ACCUSED:

Q. How far is West Point from Byron's Ford?—A. I should take it to be 35 or 40 miles. It may be farther. I think that is about the distance.

Q. Did you have any official notice that the accused was in command of the regiment on the return march?—A. I had not, except the statement I made.

The witness then retired.

JAMES KENTNER, major Sixteenth Kansas Volunteer Cavalry, witness on the part of the prosecution, was duly sworn in the presence of the accused and examined.

By the JUDGE-ADVOCATE:

Q. State your position in the service.—A. I am major Sixteenth Kansas Volunteer Cavalry.

Q. Were you engaged in the pursuit of Price?—A. I was.

Q. How far was he pursued?—A. To the Arkansas River.

Q. On what date did you return?—A. We left the river on the 9th of November, 1864.

Q. What date did you arrive at Fort Scott?—A. On the 23d of November, 1864.

Q. What was your command on the return march?—A. Sixteenth Kansas Cavalry Volunteers.

Q. Were you in command of your regiment?—A. Yes, sir.

Q. Can you state the command of the accused on that march?—A. Fifteenth Kansas Volunteer Cavalry.

Q. Was he in command of the regiment or only of the battalion?—A. He was in command of the regiment *on the return.*

Q. State the date as near as you can on which you reached Bentonville.—A. It was about 12 o'clock on the 16th of November.

Q. Did you stop there?—A. We were there about an hour or an hour and a half.

Q. Did you know anything of a citizen of that town by the name of Greenwood?—A. I don't know him personally. I know such a man lived there—A. B. Greenwood, but at that time was in Texas; so his family reported to me.

Q. Did you see the accused there?—A. I did.

Q. Did you see him in the house of Greenwood?—A. I did.

Q. State anything you saw or heard unusual on that day in regard to the accused.—A. I will state one thing that particularly struck my attention. Some of his men discovered a trunk. We were in the front room and the trunk was found in the back room under the bed. They reported the fact to him and asked him if they should break it open or what should be done with it. He with an oath told them to break it open, and asked what in hell they came and reported such facts to him for.

Q. State as nearly as you can the language he used on that occasion.—A. I can not state the language, because I have not taxed my memory with it. That was the substance of the language used. He did not directly order them to break it open.

Q. Did you see the accused when he came out of that house?—A. I think I did.

Q. Did you see him take any property from that house? If so, state what it was.—A. I saw him come out of the house with some article of bed clothing wrapped around him, I think probably a quilt. I think that was all I saw him have.

Q. Did you notice anything unusual in regard to his conduct at that particular time, when he came out of Greenwood's house with the quilt?—A. I did not, except as I remarked to some officers present that his conduct was not dignified or officer-like. He came out prancing and jumping like a young boy; I saw nothing else.

Q. Did you have occasion to notice the Fifteenth Kansas on the return march?—A. I did.

Q. Describe the march generally, as regards straggling.—A. On the return from the Arkansas River up to Drywood, the regiment straggled pretty generally. I frequently saw not to exceed fifty men in the line. The balance were straggling, or were away from their command on both sides of the road, in front and in the rear. Whether they had orders or permission to do so I did not inquire. Both officers and men were out.

Q. In what manner did they straggle?—A. In squads of two or three or half a dozen. There seemed to be no organization at all.

Q. How far did you see them straggling from their places in the column?—A. I have seen them from 2 to 4 miles in the rear, and frequently in advance of the regiment, and I have seen them at different times on either side of the road.

Q. During the straggling did you see the accused?—A. I did not, to my recollection. I don't remember to have seen him away from his command on that march.

Q. Generally, then, when the command was straggling he was with the regiment?—A. I don't know that he was; I judged he was, as I did not see him straggling. I have no recollection of seeing him away from his command.

Q. Describe the march from the Arkansas River in regard to the men entering houses along the road.—A. I have frequently seen men of that regiment in houses along the roadside. At one time, I think, on the 18th of November, I was ordered by Colonel Jennison to the front, and after reporting to him I waited for my regiment to come up at the house of a man named Duncan, and while I was there, 4 men of the Fifteenth Kansas came in and took 1 blanket, some butter, and all the old man's money—a $10 gold piece and 4 half dollars. I remonstrated with them, and they said that they had orders from Colonel Jennison to take the butter.

Q. Can you specify any other instance?—A. At Bentonville I saw them in the houses all through town.

Q. Did you observe their conduct while in the houses?—A. Yes, sir; they were plundering the houses of bedding and valuables in trunks, such as silver spoons and forks, etc.

Q. Did you notice that command particularly from Cane Hill to Sarcoxie?—A. Not more particularly than from the Arkansas River to Cane Hill and from Sarcoxie to Drywood. I saw them all through the march, but not particularly, except in those two instances.

Q. Can you state how many men were in their places in the column between those points?—A. Without counting them, I judged at the time not to exceed 50 men.

Q. Describe this march and the conduct of this regiment in regard to burning houses.—A. Some houses were burned on the road. Some 8 or 10 miles south of Prairie Grove we camped at the house of a man named Leach, and there were a number of houses burned about there by order of Colonel Jennison, as the command was bushwhacked there. At Cane Hill and Dutchtown houses were burned by Colonel Benteen's command, principally. At Bentonville and the surrounding country some houses were burned; and after we left Bentonville I don't remember whether any *houses were burned or not.*

Q. Can you state the character of the people from whom property was taken, and whose houses were burned?—A. I judged them to be all rebels; however, there were generally no men folks at home. In some instances there were. At Mr. Leach's, he was at home.

Q. Who burned that house?—A. It was by order of Colonel Jennison, but whether it was done by a detachment from both regiments or only from the Fifteenth, I don't know.

Q. Did you see any acts of violence committed on persons on the return march by any of the men or officers of that regiment?—A. I did not.

Q. Do you know whether or not any efforts were made on the part of the accused to prevent straggling or house-burning or pillaging?—A. I can't state whether any such efforts were made or not. I don't know what orders he issued to his regiment or anything about it.

Q. Did you have any conversation with him in regard to it?—A. I think not, except I remarked in conversation with Colonel Jennison and other officers that straggling destroyed discipline, but not particularly to the accused.

Q. Did you see Colonel Hoyt on the return march?—A. I saw him three or four times in our ambulance. Once I saw him out of it, at a house where we camped. All the other times he was in the ambulance.

Cross-examination by the ACCUSED:

Q. Have you any official knowledge that the accused was in command of the Fifteenth Kansas Cavalry on the return march?—A. I have no official knowledge of it, sir.

Q. Did you see the accused go into Greenwood's house, at Bentonville, Ark.?—I did not see him go into it, I think.

Q. Can you state where the accused obtained that blanket or quilt of which you spoke?—A. I can't state positively, only from inference. When I saw him in the house I saw no blanket on him, but when he came out he had one wrapped around him, and I supposed, of course, he got it in there.

Q. Do you know of your own knowledge where he obtained it?—A. I do not.

Q. Did not generally the men of the whole command straggle on the return march?—A. No, sir; they did not generally straggle; there was straggling by the Sixteenth until after we passed Bentonville, but the straggling was not general.

Q. To what extent did straggling prevail in other regiments besides the Fifteenth?—A. I will state to a very limited extent.

Q. How many men were present for duty on the return trip from the Arkansas River in the Fifteenth Regiment?—A. I don't know, sir; I was not in command of the regiment; the adjutant of the regiment, however, informed me there were about 175.

Q. What was the condition of the command on the return march in regard to the supply of rations?—A. The whole command was very poorly supplied.

Q. Were not many of the men in a starving condition?—A. No, sir; they were not on the return.

Q. What amount of bread, if any, was with the command on the return?—A. At Cane Hill, we drew 5 days' rations of bread, which I believe was all the bread we had on the return, to the best of my recollection. Now I refer more particularly to the Sixteenth, as I don't know what the Fifteenth had.

Q. Do you know of any houses being burned by order of the accused?—A. I do not.

Q. Or in his presence?—A. I don't know that he was present, sir.

Q. Do you know of your own knowledge or by report that that money was taken from Mr. Duncan?—A. About that money, I did not see the men take it; consequently I don't know of my own personal knowledge.

By the COURT:

Q. Did you see any houses burned by troops of the Fifteenth while the accused was at the head of it, or had control of it?—A. I saw one house burned at Bentonville, Ark., while the accused was in command of his regiment, by some men of the Fifteenth Kansas.

Q. Are you sure of that?—A. Yes, sir.

Q. State the names of those men of the Fifteenth who you saw burning that house?—A. I don't know the name of one enlisted man of that regiment, I believe.

Q. How did you recognize them as belonging to the Fifteenth?—A. The Fifteenth was in advance and I saw the men going across to the right or northeast of the road in advance, and saw them at the house and saw the house burning. I know they were the Fifteenth, for my men were not straggling at that time; I also have it from one of their officers.

Witness then retired.

THOMAS J. TERREL, chaplain Sixteenth Cavalry Kansas Volunteers, a witness on the part of the prosecution, was duly sworn in presence of accused and examined.

By the JUDGE-ADVOCATE:

Q. State whether you were with the command of Colonel Jennison on its return from the Arkansas River to Kansas?—A. I was.

Q. State generally of what that command consisted, of what regiments?—A. Of the Fifteenth and Sixteenth Kansas Volunteer Cavalry, and one battery part of the way, and two batteries after we got to Fayetteville.

Q. State the manner in which the two regiments marched on the return march?—A. They marched alternately, first one in front and then the other.

Q. Did you see the accused at Mr. Greenwood's house at Bentonville, Ark.?—A. I saw him at Bentonville, Ark., at a house they called Mr. Greenwood's.

Q. Did you see him enter the house?—A. I saw him in the house.

Q. Describe his conduct while there?—A. I saw him passing through the house and coming out. He came out in the yard with a quilt around him at one time. He had the quilt thrown around his shoulders, there was quite a crowd of men in the house with him, I did not go in to see what was transpiring. I saw a general bustle in the house.

Q. Did you see him in the yard?—A. Yes, sir; and a great many things were carried out by the soldiers, trunks and other articles.

Q. How was the accused dressed when you saw him in the yard?—A. As I said before, he had a quilt around him; I don't remember what kind of clothes he had on.

Q. These men you spoke of, what regiment did they belong to?—A. Fifteenth Kansas Cavalry.

Q. Were those the men you saw taking the trunks out?—A. Yes, there were several trunks brought out by those men.

Q. Was there any application made for the restoration of that property by anyone belonging to that house?—A. A lady of the house made a strong appeal for the likeness of her husband, which a major of the Sixteenth Regiment took away from private soldiers once or twice.

Q. Did you hear any application made by those people living in the house to the accused?—A. I don't know that I ever heard the woman personally appeal to Major Laing.

Q. Did you notice the accused particularly while out in the yard with a bedspread wrapped around him?—A. Yes, sir; I saw him there.

Q. What was he doing?—A. When he came out of the house into the yard there were two women there. He and another man went around to where they were at the east end of the house, and there was some demand made of the woman, but there was such a noise I could not hear what it was. One of the women ran her hand in his pocket and handed him something; it looked like a portemonnaie. They came right out past where I stood and stopped. One said to the other, "How much did you get?" The other said, "We must divide."

Q. How long did you remain at that house in the town of Bentonville?—A. I think the command was there between 1 and 2 hours, but can't tell the exact time.

Q. Was that house fired?—A. Yes, sir.

Q. Who fired it?—A. I could not say; I could not give the names. The troops in the yard around there fired it.

Q. Can you state whether they belonged to the Fifteenth or Sixteenth Kansas or to one of the batteries of the brigade?—A. I think that the very same troops that were in the house fired it.

Q. They belonged to what?—A. To the Fifteenth Kansas Cavalry Volunteers.

Q. What time was that firing done?—A. It was fired a short time, probably half an hour, before we were ordered to march.

Q. Describe the march of the Fifteenth Kansas from the Arkansas River to Fort Scott in regard to straggling.—A. When they were in the rear of us they would be passing us all day; when the country was open so that I could see, I could see them to the right and left of the road, and when they were in front, as I staid with my regiment, I couldn't tell how they traveled, only I saw them to right and left of the road; they would turn out and the rear would overtake them before they got in the road again.

Q. Can you state any acts of violence on persons or property that came under your own personal observation beside those you have just mentioned?—A. I don't know of any on the part of the accused individually.

Q. I mean the men of the Fifteenth Kansas?—A. I saw as we traveled the house they fired; I saw several on the right and left. We could see the smoke of the burning buildings, and then as we traveled along the road I saw where several were burned.

Q. Describe the march in regard to the men of the Fifteenth Kansas entering houses along the road.—A. I have seen some of that regiment going into houses along

the road, but as I said before I remained with my regiment in the road, and of course those who went off of the road I could not see, and could not tell what they did.

Q. State their conduct in that regard at Bentonville besides the instance you have mentioned.—A. When I came in town I could see the men of that regiment in the houses and running all over town; some had quilts, some had feather beds. I could see them coming and going in every direction from the houses all through the village.

Q. Can you specify any instance in which Major Kettner, of the Sixteenth Kansas, ordered soldiers of the Fifteenth to restore property that had been taken by them?—A. I can; it was this side of Bentonville; our regiment was in the rear. We came up to a house and they were coming out, I think with a bed and a quilt. A lady was standing in the yard crying and a little girl was standing with her arms up praying for them not to kill her, saying she was a good little girl. I rode up and the lady said it was the last bed and quilt she had. The bed was thrown into an ox wagon and the quilt was tied to the saddle of a soldier of the Fifteenth Kansas. The lady spoke to me and I spoke to Major Kettner. He came forward and demanded the quilt of the soldier. He said he got it about 4 miles back on the road and refused to stop. The major told him it would be worse for him and he came back. The major told the lady to look at it, and she told him it was one she quilted when a little girl, and the major made the soldier give it up. We also succeeded in getting the bed out of the wagon for the woman.

Q. State if you saw any other instance of soldiers of the Fifteenth having or carrying such property on horses.—A. On Spring River, I think, I counted in 1 day 6 quilts under one of their saddles.

Q. Can you specify any other instance during the march?—A. I saw them frequently coming in to the lines on the march from Webber's Falls to Fort Scott with quilts. Hardly a day passed that I did not see some of them in that way.

Q. Did you see any of the men of the Fifteenth Kansas fire any houses?—A. Yes, sir.

Q. Where?—A. Beyond Cane Hill was the first I saw.

Q. Specify all that you can.—A. When we came on our return from Webber's Falls to where we could get forage we halted about noon and staid until next morning. That night, about dusk, a lieutenant said to me as he went out of camp that we would see very soon where he was going. He went with a file of men and I thought I could see six houses burning in sight of my camp. The next morning our regiment was in advance, the Fifteenth Kansas followed, and the artillery brought up the rear. When ordered to march I heard a noise in the building which Colonel Jennison had made his headquarters; I looked around and the boys were in there and with the butts of their guns were knocking out the windows to give the fire air, and the house was in flames in a few moments.

Q. This lieutenant and those men you spoke of, to what regiment did they belong?—A. The lieutenant belonged to the Fifteenth Kansas.

Q. His name?—A. Lieutenant Wood.

Q. Those other men you spoke of, that was knocking the windows out with the butts of their guns, what regiment did they belong to?—A. Fifteenth Kansas.

Q. Can you specify any instance where soldiers of the Fifteenth Kansas seized wearing apparel?—A. I don't believe I ever saw them when they took wearing apparel.

Q. Can you state whether or not they seized any cattle or not and drove them away?—A. There was a very nice herd of cattle driven along on the return trip.

Q. Who drove them?—A. If I understand it correctly they were driven by a detail from the brigade, by order of the commander of the brigade, I suppose; I know some of our men was detailed to drive them.

Q. Did you hear any application on the part of any people from whom property was taken for the restoration of property?—A. I don't think I ever did.

Cross-examination by the ACCUSED:

Q. What was the name of the officer that was at Greenwood's with the accused?—A. I did not know the officer; they said he was a lieutenant, that is all I know.

Q. Of what command?—A. I was informed there that he belonged to the Fifteenth Kansas.

Q. Was the accused present when the soldiers took the bed and blanket you spoke of, and which Major Kittner ordered them to return?—A. I did not see the accused there.

Q. Was he in command of his regiment at that time?—A. I could not tell you who was in command of his regiment at that time.

Q. Who was in command of the Fifteenth Kansas on the return march from the Arkansas River?—A. I never saw any order stating who was in command; there was three field officers there and I did not know which was in command.

Q. What field officers were present besides the accused?—A. Lieutenant-Colonel Hoyt and Colonel Jennison.

Q. Did you see any other men straggling besides the men of the Fifteenth Regiment?—A. Yes, sir; I saw other men go out of the ranks besides them.

Q. Where were these men you saw with property on their horses that you spoke of?—A. It was as we were marching on Spring River, in Missouri.

Q. How did you recognize those men as belonging to the Fifteenth?—A. From the fact that I had been with the brigade so long that I knew a great many of them personally.

By the COURT:

Q. Was the plunder and pillage of private property of soldiers of the Fifteenth general on the march to and from the Arkansas River?—A. It seemed so to me.

Q. Do you know what became of the herd of stock which you testify was driven along with the brigade?—A. When we arrived at Drywood and camped, before we arrived at Fort Scott, the next morning when ordered to march the boys who were detailed to drive the stock were relieved and ordered to their regiments and the stock was left behind; that was the last I saw of them.

Q. Do you know whether they were left in the hands of Government employés or not?—A. I do not.

The witness then retired.

CHARLES O. SMITH, captain Company G, Fifteenth Kansas Volunteer Cavalry, a witness on the part of the prosecution, was duly sworn in the presence of the accused, and examined.

By the JUDGE-ADVOCATE:

Q. Who was in command of your regiment on the return march from the Arkansas River, in November last?—A. Part of the way Lieutenant-Colonel Hoyt, and part by Major Laing.

Q. Who was in command at Cane Hill?—A. I think Major Laing was.

Q. State whether or not you saw any men hung on the return march near Cane Hill.—A. I saw three men hanging just the other side of Cane Hill. One was hung about 2 or 3 miles this side of the camp beyond Cane Hill. The other two were about 2 miles this side of where the first was hung.

Q. By whose order were these men hung?—A. I could not say.

Q. Who hung them?—A. Captain Curtis, Fifteenth Kansas.

Q. Who was present at the hanging?—A. I don't remember; there were only two or three with Captain Curtis.

Q. Was the accused present?—A. He was at the head of the column near by.

Q. Did you see any houses fired by the men of your command?—A. I did not see any fire applied to any house; I was not in any house, and did not see any fire applied.

Q. Can you specify any instance of pillaging by men of the Fifteenth Kansas?—A. None that I saw myself; I was with my command constantly, and could not see any.

Cross-examination by the ACCUSED:

Q. How do you know the accused was in command at Cane Hill?—A. I know by his giving the command to move on, and by his being the ranking officer present.

Q. How long had he been the ranking officer at that time?—A. I think he took command that morning, to the best of my recollections; I think Colonel Hoyt was sick and got in an ambulance.

Q. Give the distance these men were hung from the head of the column where the accused was.—A. They were hung just opposite the head of the column, about 3 rods to the right of it. The first one was hung there and the other two were hung about 2 miles from there on the left of the road a little in advance of the head of the column—about 10 or 15 rods.

Q. Who were these men that were hung?—A. Two of them, I understood, gave themselves up the night before, and one was captured by the pickets.

Q. Were they rebels or citizens, or what?—A. They claimed to be citizens, but were supposed to be bushwhackers.

Q. By whom were they supposed to be bushwhackers?—A. It was generally supposed so by all the officers I heard speak of them.

By the COURT:

Q. Do you know whether there was a drove of stock driven with the column on its return?—A. There was.

Q. What became of it?—A. I don't know.

Q. Where did you last see it?—A. About 4 miles southeast of Fort Scott, this side, of Drywood.

Q. Did they come in possession of the Govenment in any way to your knowledge?—*A. I can't say of my* own knowledge.

Q. What was the common rumor as to the destination of that stock?—A. They were sold at Mound City at public sale.

Q. For the benefit of the Government?—A. Yes, sir.

The witness then retired.

OREN A. CURTIS, captain of Company F, Fifteenth Kansas Volunteer Cavalry, a witness on the part of the prosecution, was duly sworn in presence of the accused, and examined.

By the JUDGE-ADVOCATE:

Q. On what duty were you engaged on the 22d of October, 1864?—A. I was in command of Company F, Fifteenth Kansas Cavalry, on that day.

Q. At what place?—A. I could not tell for my life, sir.

Q. Were you at Byron's Ford?—A. I was there in October, but what day, I don't know.

Q. Were you present with a detachment sent from Byron's Ford to Hickman's Mills?—A. I was.

Q. Who was in command of that detachment?—A. Major Laing.

Q. What other companies were along?—A. Companies B, C, and M.

Q. At what time did you arrive at Hickman's Mills?—A. I should judge it was between 10 and 11 o'clock.

Q. How long did you remain there?—A. I think it was in the neighborhood of 1½ or 2 hours.

Q. Did you see the enemy there?—A. No, sir; we did not. They had been there the morning before and took some men and some arms; there was a man came there who pretended to be one of General Curtis's aids-de-camp. I thought then he was a rebel and I think so still. If he was a rebel I saw one, if not, I did not.

Q. By whose order did that detachment leave Hickman's Mills?—A. By order of Major Laing; that man said General Curtis ordered that detachment to join the Union forces; that Price was running and he wanted us to come and assist in catching him; he told me this before he saw the accused.

Q. Were you present when he conversed with the accused?—A. I was not.

Q. How long after he conversed with the accused did the detachment move?—A. Immediately.

Q. Upon what point did they march?—A. On the West Port road, I think they called it, as far as the timber on the Big Blue.

Q. What was the direction of the march after that?—A. From the Big Blue, near the crossing, we turned and marched back, I think, a quarter of a mile; I think on the same road we went in on. We then turned to the right, and marched to Little Santa Fé; we got there and then started and marched in a northerly direction from 3 to 5 miles; then we marched some distance west; we had a guide who pretended to know the road; I don't know whether he did or not. We then turned and marched in a southern direction until after we crossed the Little Santa Fé and Olathe road; we then turned to the right and marched west until we came to Olathe, there we camped about 12 o'clock at night, I think, and staid until the next morning.

Q. Was any halt made on the march you just described, from Hickman's Mills to Olathe?—A. Yes, sir; there was.

Q. For what purpose?—A. There was a halt made at Little Santa Fé or Oxford, whichever you may please to call it.

Q. On this line of march which you have described, did you see any Federal forces?—A. That was in the night, and we met some Kansas militia in the timber before we turned around, a part of the Second, and a part of the Twenty-first Kansas Militia in a regular stampede, flying from the enemy. They ran right into our column and came near knocking some of my men off from their horses with their long guns; that was all the Union forces we met between Hickman's Mills and Olathe, except the picket guard out at Olathe, that I recollect.

Q. Were there any forces pursuing this militia?—A. I don't know whether they pursued or not after we came up. It was in the timber and I could not see; I could hear the report of their guns and the word of command given.

Q. What orders were given at that time by the accused?—A. As near as I recollect it was to countermarch by the right flank.

Q. How long did you march before a halt was made, and at what rate?—A. I should judge we marched 200 or 300 yards after we turned to go back, in a trot, and then we marched in a walk from that time on.

Q. How far is it from Hickman's Mills to Olathe?—A. It is called 15 miles.

Q. How long did you remain at Olathe?—A. We got there about 11 or 12 o'clock in the night and we left the next morning between daylight and sunrise.

Q. What orders were then issued by the accused?—A. I don't know that any orders were issued by him. He started on at the head of the column and we followed. I think I heard him say he was going to Westport when he started.

Q. How far is Shawneetown from Olathe?—A. I do not know.

Q. Did you receive any information near Shawneetown in regard to the presence of the enemy at that town?—A. We did.

Q. What was done by that command on the receipt of that information?—A. We turned and marched to the left, to a little place called Monticello, from there to the river, across the river, and after we got across the river, we received information that the enemy was pursuing our men. That our forces were crossing the river and the enemy was pursuing. The accused ordered a double-quick movement and we went as fast as the horses could go from there till we got to Wyandotte.

Q. What time in the day was it you received information in regard to the rebels being in Shawneetown?—A. In the morning, about 9 o'clock, I think.

Q. State the nature of the country, whether it was a prairie or wooded country?—A. Prairie as a general thing.

Q. How far could you see in the direction of Shawneetown on the prairie?—A. I suppose we could see as far as to where Shawneetown was, but we could not see the town. We could see the smoke of the cannon. I suppose that was from 3 to 8 miles.

Q. What distance were the horses run?—A. The man where we fed called it 12 miles to Wyandotte, and I think it was all of that. But over some rough places we had to walk.

Q. Did you see any enemy during that time?—A. No, sir.

Q. Did you ever have any conversation with the accused in regard to that retreat?—A. He and I had a conversation at Drywood on our return from the raid, in which that subject was mentioned.

Q. What did he say in regard to it?—A. I could not tell you his words, but he said he thought he had done the best that could be done, taking everything into consideration. That is the substance of it. There was a heavy force there and it would have been madness to have gone in with his batalion against them.

Q. At what time and place did the accused rejoin the main command?—A. I don't know; I was not with him.

Q. Were you present on the return march from the Arkansas River to Kansas?—A. I was, sir.

Q. Do you know of any instance of men being hung by officers or men of the Fifteenth Kansas Cavalry on that return march?

(The accused objected to the question, because he is not charged with hanging men, or giving orders to do so, or having anything to do with hanging any men.

The court was cleared for deliberation, and, upon reopening, it was announced that the objection was sustained.)

Q. Can you state any instance of violence upon any person on the return march, on the part of men or officers of the Fifteenth Kansas Cavalry?

(The accused objected to the question, because it is not averred that any personal violence was done by the accused. The judge-advocate replied that the specification does not undertake to set out all the instances of violence. The court was cleared for deliberation, and, upon reopening, it was announced that the objection was sustained.)

Q. Who was in command of the Fifteenth Regiment Kansas Volunteer Cavalry on the return march from the Arkansas River?—A. Major Laing.

Q. Describe that march in regard to any straggling that occurred under your personal observation.—A. Well, there was a party sent out every day after forage and a party sent out for subsistence, and as I understood the orders, none of the men were allowed to straggle. But there was some straggling done by the men sent out after forage and subsistence.

Q. Did you see any houses entered by men of the Fifteenth Kansas?—A. Yes, sir.

Q. Specify such instances as occur to you now.—A. I saw houses entered by both regiments.

Q. I am speaking of the Fifteenth, not of the other.—A. I saw men go into houses as we marched along the road. I had charge of an ox-train and did not leave it, and don't know what they did there.

Q. How far were these instances of which you speak from the moving column?—A. Sometimes it would be right alongside of the road, 25, 50, or 100 yards off, on both sides of the road.

Q. Did you see any houses fired by any men of the Fifteenth Kansas?—A. I did not see a house set on fire by any man on the entire trip, I believe. I saw houses burning but I did not see them fired.

Q. Did you see any men of the Fifteenth Kansas seize any stock?—A. Yes, sir; I did.

Q. Where was that?—A. Wherever it was to be found with disloyal persons.

Q. What was done with it?—A. As I understood it, it was turned over to the quartermaster. I saw the herd at Mound City in charge of the quartermaster. Some of it was eaten.

Q. State all you know in regard to any wearing apparel that was taken by men of the Fifteenth Kansas on that march.—A. I did not see any wearing apparel taken *that I know of.*

Q. Did you see any bedquilts or beds taken?—A. I did not see any taken. At one time there was a lady came out to the road and reported to me that some men had taken her bedclothing, and Captain McLain ordered them given up. She came up to where he was and it was given up to her. I saw it given up.

Cross-examination by the ACCUSED:

Q. Was Lieutenant-Colonel Hoyt with the regiment on its return march?—A. He was with the regiment, but was on sick report. He was with it most of the way; he left it the day before we got to Fort Scott, I think.

Q. Was he on sick report all of the time on the march?—A. I would not be positive whether he was on the sick report or not on the first day, but it is my impression he was.

Q. Do you know of your own knowledge that he was on the sick report at all?—A. All I know is, he said he was sick.

Q. Is that all you know about him being on the sick report?—A. He was excused from duty and rode in the ambulance, as I understood it.

Q. Was not Lieutenant-Colonel Hoyt in command of the regiment on the return march part of the time?—A. I don't think he was; if he was I don't recollect it.

Q. What time in the day did you leave Hickman's Mills at the time you spoke of?—A. I should judge it was in the after part of the day.

Q. What distance had you traveled when you met the militia retreating?—A. I would say it was between 2 and 3 miles.

Q. Describe the location where you met them, their condition and their number.—A. We were marching on the Westport road and came to the timber on the Big Blue; we traveled in the timber a piece and heard the report of small arms, and heard commands; the militia gave way and came back in what I call a regular stampede. I don't know how far they had passed the head of the column before we were ordered to countermarch; I think they got about opposite me.

Q. Describe whether it was in the prairie or in the timber.—A. It was in the timber.

Q. About what were their number?—A. I would say from 150 to 250; there might have been more.

Q. What was your understanding at the time as to the location and number of the enemy?—A. That there were 8,000 of them, that they had surrounded the militia and captured their guns and a good many prisoners. I did not see them, but judged from the firing they were at the banks of the Big Blue, at the crossing of Hickman's Mills and Westport roads.

Q. How far from where you then were?—A. From the report of the guns I should not think it was over 200 yards.

Q. In your opinion as an officer could the accused have moved his command up to the enemy at that time in order, through the militia?—A. I don't think he could.

Q. From that time what was the general line of march of the battalion commanded by the accused?—A. I could not answer that in any other way than I did in my direct examination.

Q. In what State were you at that time?—A. I think in Missouri, sir.

Q. Did you march then toward Kansas?—A. We did, sir.

Q. From whom did you understand or receive the report of the presence of the enemy at Shawneetown?—A. I think it was from Captain Young, of the Fifth Kansas.

Q. Where was he stationed at that time, or just previous to that time?—A. I think he was stationed immediately previous to that at Aubrey.

Q. Is not Shawneetown located in the edge of the timber in a hollow?—A. I think it is.

Q. Can the town be seen any distance from it by approaching it from the west?—A. I should not think it could be seen over a mile and a half, perhaps not so far.

Q. Was there any fighting going on in the neighborhood at that time?—A. We heard cannon at the right of Shawneetown.

Q. Specify the direction.—A. We were marching north of east towards Shawneetown and the firing was at the right of Shawneetown.

Q. You state that after crossing the river near Monticello it was reported to you that the Federal troops were retreating?—A. It was.

Q. Which way was it they were reported to be retreating?—A. Across the Kansas River.

Q. At what point was it reported to you that the Federal forces were crossing the river?—A. At Wyandotte.

Q. The general retreat of the troops at that time as reported was in what direction?—A. I should judge west of north.

Q. On the reception of that report, in what direction did the accused take his command, or would not his line of march, if the report had been true, have brought him in contact with the enemy?—A. It would.

By the COURT:

Q. When you heard firing at Shawneetown, why did you retreat to Monticello?—A. We heard firing at the right of Shawneetown, and it was reported by Captain Young that Shawneetown was in possession of the enemy, and that they had a picket force of 1,000. He was marching on the Santa Fé road, which runs south of west, and when we met him we turned to the right. Captain Young reported our forces falling back and crossing the river.

Q. Was that ox train of which you had charge on the return march from Arkansas loaded with any other than Government property; and if so, what was it?—A. The companies had their company property and some soldiers had their bedding, and some refugees were along and had their property, and there was some Government property.

Q. What do you mean by soldiers' bedding?—A. Their blankets.

Q. Your understanding, then, was that there was no loading on that train except Government property, and that of soldiers and refugees?—A. Yes, sir. There were a good many men rode in the wagons.

Q. What persons did you meet from Olathe to Shawneetown, if any, and what conversation did you have with them?—A. We met a good many men I did not know, and all reported that they were fighting and that our forces were falling back; but the accused paid no attention to any of them until he met that commissioned officer, Captain Young, I think, and then he turned to the left.

The witness then retired.

The court then adjourned until 10 o'clock a. m., Saturday, March 4, 1865.

FORT LEAVENWORTH, KANS., 10 *o'clock a. m., Saturday, March* 4, 1865.

The court met pursuant to adjournment.

Present, the same members as at the last session. The judge-advocate, the accused, and his counsel were also present.

The proceedings of the last session were read and approved.

On motion, the court then adjourned until 10 o'clock a. m., Monday, March 6, 1865.

FORT LEAVENWORTH, KANS., 10 *o'clock a. m., Monday, March* 6, 1865.

The court met pursuant to adjournment.

Present, the same members as at the last session. The judge-advocate, the accused, and his counsel were also present.

The proceedings of the last session were read and approved.

WILLIAM ROY, a citizen of Olathe, Kans., a witness on the part of the prosecution, was duly sworn in presence of the accused and examined.

By the JUDGE-ADVOCATE:

Q. Where were you on the 22d day of October, 1864, and on what duty were you engaged?—A. I was at Olathe, Kans., and was acting as adjutant of the post.

Q. What forces were stationed at Olathe?—A. A large portion of the Thirteenth Kansas Militia.

Q. State the disposition of that force in and around Olathe on that day.—A. That whole regiment amounted to about 465, and, with the exception of 125 who were with Lieutenant-Colonel Johnson at the front, were at that post on duty.

Q. Where was Lieutenant-Colonel Johnson stationed?—A. He was with one of the brigades attached to General Curtis's army.

Q. Do you know his station on that day?—A. Nothing definite. He informed me he was at Mocabee's house during a portion of that battle. I know nothing of the proceedings at the front, except what I got from him.

Q. Was this information conveyed to you as adjutant of the regiment?—A. It was conveyed to me in conversation—it was not a written report.

Q. Where is Mocabee's house?—A. In Jackson County, Mo., between Westport and Little Santa Fé or Oxford.

Q. How far is Mocabee's house from Olathe?—A. About 12 or 15 miles. I don't know the exact distance.

Q. Can you state officially whether those forces were engaged at Mocabee's house or not?—A. I can not.

Q. What is the distance from Hickman's Mills to Olathe?—A. From 18 to 20 miles.

Q. State whether or not you had scouts out from Olathe to any other post, supposed to be the front?—A. Yes, sir; we were in the habit of sending out a party of

scouts every day; and on the day of the battle of Westport I sent out three different scouts to the front. They reported to me that they went to the front, and said the battle was going on.

Q. At what point?—A. At Rock Creek and Warren.

Q. How far are these points from Olathe?—A. From 18 to 20 miles.

Q. Can you state the condition of affairs at Shawneetown on the morning of the 23d?—A. Nothing further than Capt. J. C. Ferguson reported to me on his return.

Q. Was that report made to you officially?—A. Yes, sir; though it was a verbal report.

Q. What was that report?—A. To the effect that he received orders from General Grant to fall back to the other side of the river and hold the position and had failed to do so, and had come by way of Chillicothe to Olathe and reported there for duty.

Q. Did you see the accused when he came to Olathe, when he came there on the night of the 22d?—A. I did.

Q. Did you have any conversation with him?—A. There was a general conversation in the room at the hotel. I remained but a few minutes that time, but went over to headquarters. I saw him again next morning and had some conversation with him then.

Q. Did you tell him of the condition of affairs as far as you were advised?—A. I think there was some conversation between us, but I don't recollect what it was about now.

Q. Did the accused ask you about the condition of affairs as far as you were advised?—A. I could not state positively how that was. My recollection is we had a conversation about it, but it was of such a nature as not to strike in my mind.

Q. What did he state in regard to such matters as he knew of himself?—A. I don't recollect whether I got the most information from him or other officers. I recollect having a short conversation with him, and I recollect having a conversation in regard to the manner in which they came in and why they were there.

Q. State the conversation with the accused.—A. I remember to have had a conversation with him, but I can't distinguish between that and the conversation with other parties.

Q. When did you first learn of the retreat of Price?—A. On Sunday afternoon, between 3 and 5 o'clock.

Q. Are you well acquainted with the country around Shawneetown?—A. I am, sir.

Q. Is it a prairie or timbered country?—A. Immediately in the vicinity of Shawneetown on a line drawn east and west, north of that line is heavy timber, and south of it prairie. There is very little timber on the Kansas side at the point where the battle was fought.

Cross-examination by the ACCUSED:

Q. What report, if any, did Captain Ferguson make in regard to the presence of the enemy near Shawneetown?—A. He told me he did not think there was much need of being afraid, but that everybody else was leaving and he left too.

Q. What time in the morning did you understand Captain Ferguson left Shawneetown?—A. I understood from him that he left there about 10 or 11 o'clock, and reached Olathe between 2 and 3 o'clock p. m.

Q. Did not a number of citizens and soldiers arrive at Olathe about that time from Shawneetown?—A. They commenced on Friday evening, and from that time until Monday they were going through in squads.

Q. What reason was assigned for the arrival of Major Laing's command on the night of the 22d?—A. They had been cut off from the main command and run around a force of the enemy, and the object in coming there was to get to the main force in front.

Q. Was that reason assigned to you in presence of the accused?—A. I could not say definitely whether he was present at the time or not.

Q. State your impression in that regard?—A. I rather think that conversation was between Captains Thompson and Curtis and myself. The accused may have been present, but I am not positive.

The witness then retired.

J. B. THOMPSON, captain of Company B, Fifteenth Kansas Cavalry Volunteers, a witness on the part of the prosecution, was duly sworn in presence of the accused and examined.

By the JUDGE-ADVOCATE:

Q. Were you along with the accused at Hickman's Mills on the 22d of October, 1864?—A. Yes, sir.

Q. State all you know in regard to the march from that place to Olathe?—A. We left camp in the morning about an hour after day light. We started to join our main command. When we got *near Westport we met* a great many of the militia, saying

Price was there in strong force and that it would be impossible for us to get there. The accused said he would go and see. We went to a hill and found the militia in disorder and retreating. I stopped some of them and tried to get them to go back, but could not. The accused then stopped the column and ordered a countermarch. We then went to Olathe, and got there about 11 or 12 o'clock that night. The next morning we started for our command and went by way of Monticello to Wyandotte, and reached our command about 10 o'clock that day.

Q. What was Major Laing's objection going by Olathe?—A. I presume it was to join the command without being taken prisoner.

Q. Did you see any enemy on the march from Hickman's Mills to Olathe?—A. At a distance.

Q. How far?—A. I suppose a mile or two.

Q. In what numbers?—A. It was a large column. I could only discern a large body of men moving.

Q. Where did you see them?—A. At Hickman's Mills.

Q. Did you see them after that on the road from Hickman's Mills to Olathe?—A. I did not, but I know I was in close proximity to them, as I could hear their guns. It was a timbered country and we could not see them.

Q. Did you have a conversation with the accused on the retreat in regard to joining the main column?—A. Yes, sir; he said his main object was to rejoin the main column. At the time there was some difference of opinion as to the best way to rejoin the column, and I was sent to reconnoiter.

Q. Were you in advance that day?—A. Yes, sir.

Q. What did Major Laing say in regard to that matter?—A. He said he had received orders not to engage the enemy if he could avoid it, and he would not do it, but would take the men home if he went as far as Fort Riley to do it.

Q. Can you recollect the point where he said that?—A. I think it was on the road to Olathe. Some of us were saying we had better go the other way—cut through the enemy's left wing. Murphy was in favor of that, and I was not, and the accused decided to take the troops safe where they came from, as that was his order.

Q. State what you know in regard to passing around and avoiding Shawneetown and anything Major Laing said as to the object of passing around that town?—A. In the first place, the accused thought we would go by Shawneetown, but one of the militia officers said it was a dangerous point to go to as it was more than probable the enemy had taken the place. The accused left it to the officers to say which way we should go. The enemy was between us and our forces, and we decided to go by Olathe and not touch Shawneetown at all.

Q. How far were you from Shawneetown?—A. I can't say.

Q. Did you hear the conversation with the militia officer?—A. Yes, sir.

Q. On receiving that information did Major Laing immediately turn?—A. No, sir; there were militiamen there who said our forces were being driven by Price, and I know Murphy was in favor of cutting our way through their left wing. I was opposed to it, as was the accused, who said, if we escaped capture we would probably be fired on by our own troops if we went that way.

Q. State the gait at which you traveled from near Shawneetown to Wyandotte?—A. We traveled about as heavy as the horses could stand it.

Cross-examination, by the ACCUSED:

Q. On what day was this talk about going to Shawneetown you have spoken of?—A. It was the morning we left Olathe.

Q. Did you meet Captain Young, of the Fifth Kansas, that day?—A. Yes, sir.

Q. What report did me make, if any, as to the state of affairs as Shawneetown?—A. I don't recollect his saying anything about Shawneetown.

Q. Where did you meet him?—A. About 3 or 4 miles from Olathe.

Q. After meeting him what change, if any, was made in the order of march?—A. We turned to the left and went to Monticello Crossing on account of what he told us, I presume.

Q. From all the reports you heard that day of the retreat of the Federal troops, in what direction were they retreating?—A. Across the Kansas River.

Q. After Major Laing's command crossed the Kansas River, if the reports of the advance of the enemy had been true, in what direction would his line of march led him?—A. His intention all the time was to join the main army and he thought that was the way to go to join them.

Q. Where, from the reports, did you suppose the Federal Army was?—A. I thought it was across the Kansas River and was being driven back on Leavenworth.

Q. Did you meet any militia coming from Shawneetown?—A. Yes, sir.

Q. Do you recollect anything about their having a flag?—A. Yes, sir; a torn one.

Q. What was said in that connection about the enemy being near Shawneetown?—A. Something was said to the effect that the enemy was around there and our troops *were catching hell.* Something of that kind was said.

The witness then retired.

WILLIAM H. JOHNSON, second lieutenant Company M, Fifteenth Kansas Cavalry Volunteers, a witness on the part of the prosecution, was duly sworn in presence of the accused and examined.

By the JUDGE-ADVOCATE:

Q. What time did your regiment leave the Arkansas River on its return to Kansas?—A. On the 9th day of November, 1864.

Q. Describe the march from the Arkansas River to Newtonia in regard to straggling.—A. The first 3 days of the march from the Arkansas River was through a barren and depopulated country; the march was conducted orderly through that country. On the 12th day of November we came to the vicinity of Cane Hill, and then the command commenced straggling.

Q. State to what extent that straggling existed.—A. Our regiment at times would not have over 50 men in column; the men were to be seen straggling in every direction.

Q. How long did that straggling continue, and between what points?—A. From near Cane Hill until we got to Lamar, near Fort Scott.

Q. Describe the manner of that straggling, whether it was in squads or singly.—A. Sometimes I could see the men going in squads and sometimes singly.

Q. State whether they were generally with officers or by themselves.—A. Sometimes they were with officers and sometimes enlisted men went alone.

Q. State all you know about property that was seized by soldiers of the Fifteenth Kansas and appropriated to their own use.—A. I could not state in relation to property appropriated; I don't suppose that I could specify to the property that was taken; I saw a great many articles of property taken and brought in by different soldiers and some by officers.

Q. Specify the articles.—A. It consisted of bedclothing, women's clothing, men's clothing, horses, cattle, sidesaddles, wagons, sheep, jacks and jennets.

Q. Can you state any instance where money was taken from women?—A. There was but one instance that fell under my observation, that was at Bentonville, Ark.

Q. State what it was.—A. It was a purse of money taken from the pocket of a young lady, the daughter of a man named Greenwood.

Q. Did you see it taken?—A. I did, sir.

Q. By whom was it taken?—A. By a private soldier.

Q. Was the accused present?—A. He was in the yard at the time.

Q. Was any appeal made by the young lady to Major Laing in regard to the purse?—A. I don't remember that there was in regard to the purse; there was in relation to articles being taken out of her trunk.

Q. What did the accused reply to her?—A. I don't remember that he made any reply to her at that time.

Q. Did you notice the accused there with any property?—A. I did.

Q. What was it?—A. I saw him come out of the house with a bedquilt wrapped around him; it was thrown over his left shoulder and came around under his right arm.

Q. Was that bedquilt taken from that house?—A. I could not say; I was not in the house; the first I knew of the accused being there I saw him come out of the house with the quilt wrapped around him.

Q. How did he conduct himself?—A. He came out and in a few minutes a trunk was brought out and burst open. I saw him looking through the trunk, and in a few moments I saw him with a silver dish, which he was exhibiting.

Q. Do you know what he did with that silver dish?—A. I do not; I saw him have it on the march. There was some dispute whether it was silver or not, and several of the officers were examining it.

Q. Did you see him take any other property out of that trunk?—A. I could not say I did. I saw him handling things. There was such a crowd of enlisted men around him I could only see him around the trunk. I don't really know that the dish came out of the trunk. I merely saw him exhibiting it.

Q. Do you recollect any statement he made when the trunk was being plundered?—A. I do.

Q. What did he say?—A. He said he guessed he didn't know how to go through trunks; perhaps someone else did. He said the boys were sitting in the house when he went in, looking like fools; when he went in he went for the trunk; some one else might as well had that as him.

Q. How many enlisted men were within hearing at the time he made those remarks?—A. Perhaps 50; the yard was full of enlisted men and the house was full; they were sitting on the fence all around.

Q. Can you state the date of that occurrence?—A. It was on the 16th day of November last.

Q. Did you see any houses entered at Bentonville on that day?—A. I did; there was not a house in town but what was entered by soldiers on that day.

Q. To what regiment did those soldiers *belong*?—A. I could not say.

Q. Those who came under your observation?—A. Greenwood's house was the only one I saw—those men were from the Fifteenth and Sixteenth Kansas Cavalry, and some from the First Colorado Battery.

Q. Did you notice any plunder that was brought in to the regiment at Bentonville?—A. I noticed a great many men bringing in bedclothing done up and tied to their saddles.

Q. Did these men belong to the Fifteenth Kansas that you speak of?—A. Yes, most of them did; some of them might have belonged to the Sixteenth.

Q. Were there any other instances that came under your observation in regard to entering houses and taking property?—A. Yes, sir.

Q. State those instances.—A. The same day we got to Bentonville, I think some 4 or 5 miles beyond there, we passed a large white house and barn; this house and barn were fired and a great many articles were taken out of the house, such as bedding and feather beds. The house was some distance from the road and I saw a number of feather beds carried across the branch and put in the wagons, and some were put in the ambulances. The regiment was halted in the road opposite the house.

Q. Are you limiting your remarks to the Fifteenth Regiment?—A. No, sir; the Fifteenth was halted opposite the house, but there were soldiers there that belonged to other commands. I know there were some artillery men there by their uniform.

Q. Was there any appeal made by the inmates of the house to Major Laing?—A. I don't know. The house was off the road, and I don't think he went over to the house. I saw Colonel Jennison and some other officers coming from that house.

Q. Can you state any instance where any appeal was made by any inmate of any house to the accused for the restoration of property?—A. Yes, sir, in two instances I can; on that same day, between that house and Bentonville, we passed a house situated by the roadside; when we came up to the house soldiers had been there and had carried all the bedclothing and a great many articles of wearing apparel out; there were several soldiers sitting on the roadside with feather beds, waiting for the teams to come up. The inmates of the house were an old man and an old woman; they said that they had moved from northern Indiana to that place before the war and all they had was there. The old lady came up and asked if there was a captain in the command; I told her there were several captains, but Major Laing, pointing to him, was in command of the regiment. She asked him to have her feather beds restored. She said she had two sons in the Federal Army then at Cassville. The major told her he could not have the men return these things, saying, "If I should order the men to do that, they would shoot me; you see I am afraid of them and can't have these articles restored," and rode on. In a few moments the house was set on fire.

Q. State the other instance of which you spoke.—A. I think the other instance occurred the next day, perhaps 15 or 16 miles this side of Bentonville. The command was passing a house near the road; some of the soldiers were in the yard and some were in the house, and some shooting chickens. Some were bringing articles out of the house; the old lady came and asked for protection. She asked that the soldiers be ordered out of the yard, and not to take her things. Major Laing's reply was that he would have two men shot for it, and told her to tell Sergt. George B. McClellan when he came up to shoot two men.

Q. How many houses, if any, did you see fired by soldiers on the return march?—A. I saw quite a number; I don't know that I could enumerate without some time to study.

Q. Where was the first?—A. The first house that I saw fired was beyond Prairie Grove; it was an officer of the Fifteenth that fired it.

Q. Where was the next?—A. About a half mile from Prairie Grove.

Q. Proceed with the next.—A. It was just beyond Bentonville, that was fired by a soldier of the Fifteenth; that was the house I spoke of on the roadside.

Q. Any others?—A. I saw a number of houses fired, but did not see who fired them.

Q. What troops were nearest?—A. Sometimes the Fifteenth, and sometimes the Sixteenth would be nearest to where I saw the smoke emerging.

Q. Did you see a wagon train; I refer to wagons and cattle seized in Arkansas and Missouri?—A. I did.

Q. How was that train loaded?—A. It was loaded with most all kinds of plunder from houses. bedding, clothing of one kind and another, sidesaddles, and articles that were gathered up generally.

Q. How many ox wagons were in that train?—A. I should judge that there were 15 or 20; I never counted them.

Q. Were there any other class of wagons?—A. There were some Government teams and some citizen teams that went from Fort Scott. I believe there were some wagons that had horses that had been seized.

Q. How many were there of that class?—A. I don't remember positively of but one *That was* taken by Lieutenant Wallingford, of Company A, Fifteenth Kansas, who *brought it in loaded with* salt pork.

Q. For the command?—A. I don't know for what purpose he brought it in, only what he said.

Q. Did you see that herd of cattle after your return?—A. I only saw it at a distance after we returned to Mound City.

Q. How many cattle and sheep were there in the herd?—A. I could not say after we returned. My judgment was while on the march that we had about 250 stock cattle, about 50 yoke of work cattle, and about 300 sheep and some jacks and jennets, but only a few of them, perhaps 7 or 8.

Q. Do you know of any horses being seized?—A. Yes, sir; I know of a good many horses being led along by soldiers of the command, some horses and some mules.

Q. Did you see any soldiers of the Fifteenth putting plunder away in the wagons?—A. I usually saw them putting it in the wagons when they came in, and often in the morning when starting out of camp I would see them loading bedclothing.

Q. Were you at Hickman's Mills on the 22d of October, 1864?—A. Yes, sir.

Q. Do you know the occasion of the march from Hickman's Mills to Olathe?—A. I don't know the occasion of it only as I surmised it.

Q. What did you see at Hickman's Mills?—A. We got to Hickman's Mills about 12 o'clock that day, the command dismounted and were preparing for dinner, a messenger came in informing us that the fight was going on at Byron's crossing of the Big Blue; a short time after a man came riding up in a great hurry and appeared to be very much agitated, he rode up to where myself, Captain Curtis, Lieutenant Phillips, and Captain Thompson were, and asked who was in command, I told him Major Laing was in command of the troops there. He said General Curtis wanted him to bring his command up as soon as possible. He said that General Curtis had whipped Price and Price was trying to recross the Blue, and wished all the troops to come up as quick as they could. I then asked him what command he belonged to. He said he was an aid on General Curtis's staff. I asked him in relation to where the fight commenced and what direction they were trying to retreat. He said that he had not time to talk to me, he was in a great hurry to get back, and General Curtis's orders were for all the troops to come up. He rode to where Major Laing was, 5 or 6 rods distant. A moment after he rode up there the bugle was blown to horse, that was the last I ever saw of him.

Q. Describe the march from Hickman's Mills to Olathe, in regard to the gait?—A. It was very rapid. When we mounted our horses at Hickman's Mills we went in a gallop most of the way until we came to the Blue. The militia on the north side of the Blue had been routed and were coming across in disorder. We countermarched there and came out on the prairie and moved to Little Santa Fé. We marched out of the woods about as fast as we went in.

Q. Did you see the enemy at Hickman's Mills?—A. No, sir; we could see the smoke of the artillery over north of the Blue.

Q. Where did you see the enemy?—A. When on the bluff near the Blue.

Q. Did you see the enemy after you reached Little Santa Fé?—A. No, sir.

Q. Can you state whether or not there is a direct road between Westport and Little Santa Fé?—A. There is.

Q. What is that road called?—A. I can't tell.

Q. Can you state whether it is an old road or not?—A. Yes, sir, it is a road that has been in use for the last 6 years.

Q. State what occurred near Shawneetown in regard to that march.—A. We were not near Shawneetown that night that I know of, we were near Shawneetown the next day, the 23d, after we left Olathe marching in the direction of Westport; when we came within 2½ or 3 miles of Shawneetown, we met a squad of militia coming up the road, they reported the enemy near Shawneetown, we then marched off to the river and crossed it at what is known as Chateau's Crossing of the Kaw River.

Q. Did you hear Major Laing make any remark in regard to that march at the time or afterwards?—A. I don't remember whether he did or not.

Cross-examination by the ACCUSED:

Q. Did the accused bring out the trunk you spoke of at the house?—A. I don't think he did.

Q. Was not the trunk broken open before you saw the accused looking into it?—A. Of course it was broken open before he looked into it.

Q. By whom was it broken open?—A. I think it was broken open by Major Laing.

Q. Do you know by whom it was broken open?—A. I do not positively, I saw him have hold of the trunk.

Q. Did you see Major Laing break it open?—A. I did not.

Q. Who lived in this white house of which you speak?—A. I understood it was the house of the guerrilla Brown, commonly called Buck Brown.

Q. Were not enlisted men and officers of the whole command present at that house?—A. It is my opinion they were.

Q. Did the accused have anything to do with that train of ox-wagons and herd

of cattle, horses, jacks, and mules that you spoke of?—A. The only thing that I know he had to do with them was, the whole regiment was ordered to drive that stock 1 day and the whole regiment drove it 1 day.

Q. By whom was that order given?—A. I think by Colonel Jennison.

Q. Who was that man that reported himself to be an aid to General Curtis?—A. I am not able to say who he was, but at the time I supposed him to be from the enemy, and I have reason to believe yet that he was. His manner and all indicated that he was not from General Curtis.

Q. Was he dressed as an officer?—A. He was dressed in the Federal uniform, except the shoulder straps. He had cavalry pants and a blue blouse and cavalry officer's cap.

Q. In what force did you see the enemy on the Blue?—A. It was in the timber and brush and I could not tell what their force was. I could not see but very few of them.

Q. Was there any officer with the squad of militia you met near Shawneetown?—A. I could not say whether there was or not.

Q. Did you meet any officer that morning near Shawneetown?—A. We met Captain Swain with his company a short distance before we turned to the left.

Q. Was Shawneetown in sight at the point where the command marched to the left?—A. I think it was; I think we could see the houses, which I supposed to be Shawneetown.

Q. Was there not timber intervening between where you met that command and the town?—A. I could not tell; I am not acquainted with the road.

Q. Was not there a great many men detailed from the Fifteenth on that return march in search of forage and subsistence?—A. I do not know whether there were or not; there were but two men detailed from my company, to my recollection, on the way coming up.

Q. Did you have any citizen's bedding in your possession on the return trip?—A. I did not.

By the COURT:

Q. Did the accused make any effort to restore the property to the young lady when she appealed to him to do so?—A. No, sir; he made no efforts to restore any property at all.

Q. What was done with the purse of money taken from the pocket of the young lady by a private soldier?—A. He had it the last I saw of it.

Q. Was it divided with anyone?—A. It was not that I know of.

Q. Who was that private soldier?—A. He was a soldier from the Fifteenth Regiment; I don't know his name.

Q. Do you know what became of the stock you spoke of having seen after you got to Mound City?—A. Part of the stock I have seen since; the balance I don't know anything about.

Q. Where did you see that?—A. In Anderson County, Kans.

Q. In whose possession?—A. It was being kept by a man named Tylor.

Q. For whose benefit?—A. He said for a man named James Bell.

Q. Was any of that stock sold at Mound City for the benefit of the Government?—A. There was some stock sold there by the quartermaster; I think about 48 or 50 head of cattle. I think there were some horses sold there. I don't know the number.

Q. The greater part of it, you think, then, did not accrue to the benefit of the Government?—A. I don't know what went with it. That was my opinion about it.

Q. Do you know anything further than those had by Mr. Bell?—A. There is a private soldier in my company who has two yoke of cattle and a wagon which he brought up. He had it when I came up here on his farm.

Q. Do you know his name?—A. Yes, sir.

Q. What is it?—A. John Morrison.

Q. Do you know what became of the jacks and jennets?—A. I do not.

Q. Do you know anything further about that property you say is down on that man's farm?—A. Only what he told me.

Q. What did he tell you?—A. He said he bought it of Major Laing. He said he gave him a double coverlet, that he had brought up from Arkansas, and $125 in money for two yoke of cattle, a wagon, and some chains. I saw him drive them past headquarters towards his farm in Kansas.

Q. Do you know whether there is such a man as Sergt. George B. McClellan in the Fifteenth Kansas Regiment?—A. I do not. I don't think there is.

Q. Do you think the man the accused refers to is a fictitious name?—A. I think it is.

The witness then retired.

MELVIN S. GRANT, a citizen of Leavenworth City, Kans., a witness on the part of the prosecution, was duly sworn in presence of the accused and examined.

By the JUDGE-ADVOCATE:

Q. What was your position in the militia service on or about the 22d of October last?—A. I was brigadier-general.

Q. Were you at Hickman's Mills on the day of the battle at Byron's Ford?—A. I was 3 miles north of Hickman's Mills at what is called Hickman's Ford.

Q. Did you know of the presence of Major Laing's detachment at Hickman's Mills?—A. Yes, sir; I found his detachment 3 miles north of Hickman's Mills, and it moved on to that point.

Q. Did you have an engagement with the enemy that day?—A. Yes, sir.

Q. Did you send any request to Major Laing for reënforcements?—A. Yes, sir.

Q. Do you know whether he received the word or not?—A. Mr. Kilgore, with whom I sent it, told me he carried the dispatch to him.

Q. Did the enemy force you to retreat?—A. Yes, sir; I moved back with Colonel Veale's regiment; Colonel Lowe's regiment was about half-way back to Hickman's Mills. I sent an order to Colonel Lowe to move up as soon as possible. I met a messenger who said the enemy was not in heavy force and I could force my way to Westport. I sent a messenger to Colonel Lowe and Major Laing to join me as soon as possible. I moved up with Colonel Veale's regiment to the Macobee place, and there was but a light force there as far as I could ascertain. I decided to attack them as I supposed I would soon be reënforced. We made the attack and then sent a messenger to Colonel Lowe and the accused to reënforce us as soon as possible, and we continued to fight nearly an hour. They were not in strong force at the commencement. We ran them from the field two or three times, but finally they flanked us and forced us to retreat. We fell back to the next hill where I found Colonel Lowe's regiment posted in a strong position. I sent a messenger to Major Laing to hold Colonel Veale's regiment in check, which was flying and disorganized. We held the position until dusk, about the time I received a message from Captain Lucey that Major Laing and Colonel Veale were on their road to Olathe. We decided to make our way to Olathe and cross the river, and did so.

Q. Have you ever been over the direct road from Santa Fé to Westport?—A. I have not.

Q. Do you know of that road?—A. I do.

Q. Can you state whether Macobee's farm is east or west of that road?—A. It is east.

Q. How far?—A. I should judge some 4 or 5 miles; I should only judge from the nature of the road.

Cross-examination by the ACCUSED:

Q. What request or order did you first send to Major Laing?—A. I think it was for him and Colonel Lowe to move towards Westport as fast as possible.

Q. What was the second order?—A. It was to reënforce me.

Q. At what point?—A. At Macobee's place.

Q. Was he instructed to report to any particular regiment?—A. No, sir; I think not.

Q. What reply, if any, did you receive from your staff officer, from Major Laing?—A. I received no reply either from him or Colonel Lowe.

Q. What number of troops did you have under your command at that time—A. There were about 1,000 militia, part of them had retreated and part of them were across the creek with the guns.

Q. What was the number of Colonel Veale's regiment?—A. Between 400 and 500.

Q. You say Colonel Veale went to Olathe; what other officers went there besides him and the accused?—A. Colonel Veale and the officers of his regiment.

Q. Any of the other officers of the militia?—A. Captain Loosa went there and I went there early next morning. Colonel Lowe remained with his regiment near Shawneetown.

By the COURT:

Q. Was Major Laing and his command placed under your orders by any competent authority?—A. No, sir; they were not; the first knowledge that I had of him being south of me was by my getting an order to move to Hickman's Ford. The same messenger having a similar order for Major Laing.

The witness then retired.

W. D. McLAIN, captain of an Independent Battery Colorado Volunteers, a witness on the part of the prosecution, was duly sworn, in presence of the accused, and examined.

By the JUDGE-ADVOCATE:

Q. Were you in the march from the Arkansas River to Kansas in November last?—A. I was.

Q. Did you observe the conduct of the Fifteenth Kansas Cavalry on that march?—A. I did.

Q. Describe it as to straggling?—A. Every alternate day the Fifteenth had the advance. My battery followed it. When they were in advance there would be 20 or 30 men in column, and the rest I could not account for. I believe there were about 240 men reported with the regiment.

Q. Describe the manner of that straggling; whether it was in squads or singly?—A. In squads. Whether by detail or not I could not say.

Q. What was the farthest you ever noticed men of that regiment straggling from the column?—A. I was in the column and only saw them coming in from the right and left of the road. I could not tell what distance they went.

Q. Can you state any instance that came under your observation of houses being pillaged?—A. Yes, sir; there were a number. The first house that was pillaged and burned was at Cane Hill that I know of, of which was said to be a bushwhacker's house. That was about 2 miles southwest of Cane Hill.

Q. By what soldiers?—A. That was done by the whole command, but principally by the Fifteenth, by order from Colonel Jennison.

Q. Can you state any other instance in which the Fifteenth were engaged?—A. The day we arrived at Bentonville, the Fifteenth was in advance. About 8 miles before we arrived at Bentonville, there was a large frame house on the right of the road; it was pillaged and burned, and a church on the left of the road was burned by the men of the Fifteenth. At that time the Sixteenth was in the rear. When I saw the men applying the torch to the church, I remonstrated with them, they said they had been ordered to burn the church. The command was halted in Bentonville about the center of the town, and most of the companies of the command dispersed through the town, entering what houses they pleased and taking what they pleased. That afternoon there was a house on the side of the road pillaged by the Fifteenth Regiment. There was a woman and a child there, and I saw the men coming out of the house with some children's clothing and a cradle blanket. I was afterward told it was stolen off a child in a cradle. Some of the officers of the Fifteenth were present at the time.

Q. State who they were, if you know?—A. I can't swear positively who they were. I knew at the time they were officers of the Fifteenth and were along with the command. The day we left Sarcoxie, I think it was the 20th of November, there were 3 or 4 houses robbed and burned. In one instance there was an old lady about 70 years old. I heard that some of my men were in advance and I rode forward to order them back. I found about a dozen men of the Fifteenth in the house pillaging it and I ordered them to return what they had. They told me they were taking what things were there by order of Major Laing. The old lady went with me to the side of the road, and when the train of the Fifteenth came up she pointed out her beds and bedding, and I made the soldiers and drivers return them to her. A few miles further on I found Sergeant Dean, of Company A, of the Fifteenth, robbing a house. When I found him he had a side saddle in his hands. I asked him what he was going to do with it; he said he intended to ride on it. I ordered him to return it to the woman, which he did. At that time my company was passing the house and the Fifteenth was in advance, what there was of it. He said he had been ordered by Colonel Jennison to get forage, and he considered a side-saddle was forage. That evening I reported the name of that sergeant to the adjutant of the brigade, Lieutenant Michael, and requested that he be placed under arrest. The next morning he told me that by order of Colonel Jennison, I was to report the man to Major Laing, commanding the Fifteenth Regiment. I met Major Laing about noon that day and informed him of the circumstance and requested that Dean be placed under arrest. He told me to make out written charges. I told him it would be impossible to do so on the march, as we had no conveniences or writing material, but requested that the man be placed under arrest, but he positively refused to do so.

Q. Do you know anything in regard to the disposition of any stock, such as cattle, work oxen, horses, jacks, and jennets, that was made after the command arrived in Kansas?—A. Nothing positively of my own knowledge.

Q. Do you know of any instance where inmates of houses that were plundered made any appeal or demand for property taken out of such house to Major Laing personally?—A. No, sir; he generally rode at the head of the column.

Cross-examination by the ACCUSED:

Q. Who was in command of the Fifteenth Regiment on the return march?—A. I *was informed by the adjutant* of the brigade that Major Laing was.

Q. At what point did you receive that information?—A. At different points, but I can swear positively to but one; that was on the morning of the 21st of November. I had received the information previously and at other points. I also knew that Colonel Hoyt was sick and in an ambulance.

Q. Was he in an ambulance all the time on the return march?—A. I never saw him except mornings and evenings when he was not in an ambulance. He was reported sick and unfit for duty.

Q. Was not the plunder at Bentonville committed by the brigade generally?—A. I can't say as to that. The Sixteenth was in our rear that day and my own company were under strict orders not to leave where they were halted without permission from a commissioned officer. I believe the Ninth Wisconsin Battery got some quilts; I saw them folding some quilts up in their camp.

Q. Were not the men of the Sixteenth Regiment and your battery engaged in plundering on the return march?—A. I did allow my men to get some quilts because their bedding had been ordered to the rear by Major Hunt, and I allowed them to get what was absolutely necessary. That and some vegetables they were allowed to get. Of the Sixteenth Regiment I can't say.

Q. Do you know whether or not your men took any horses on that return march?—A. They took no horses to my knowledge. They picked up two or three Government horses that were abandoned on the march down; no private horses that I know of.

By the COURT:

Q. State the name of any officer in that command and every officer that you saw present at any pillaging who did not take an active part to prevent it.—A. Where the church was burned, Colonel Jennison, Lieutenant Michael, Lieutenant Ellis of the Reserve Corps, Captain Dodge, Ninth Wisconsin, were present. I cant swear positively to any others. Where this house was burned before we arrived at Bentonville, Captain Dodge and myself went to Colonel Jennison and asked why he burned it. He said it was by his order, that it belonged to a damned bushwhacker.

Q. Were there any other officers of any other regiment who were present and did not seem to take an active part to prevent it?—A. That same day there was another house burned. As I rode along a woman came out to the fence and asked where the quartermaster was, that she might get a voucher for some cattle and corn the soldiers had taken. Captain Thompson, the brigade quartermaster, was present and I referred her to him. He then denied being quartermaster and refused to give her a voucher.

Q. Are there no other names you can think of? Did you see Major Laing there?—A. I never saw him present at the pillage of any house. He generally rode at the head of the regiment, and had passed before I came to the scene of anything of the kind. On the night we passed through Bentonville most of the officers of the command signed a protest against pillaging; and some of the officers refused to sign it.

Q. Who refused to sign?—A. The officers generally of the Fifteenth Regiment.

Q. Was Major Laing generally in command of the 15 or 20 men you saw marching in the column?—A. He was generally riding at their head.

The witness then retired.

JOHN SANDERSON, private of the First Colorado Battery, a witness on the part of the prosecution, was duly sworn in presence of the accused and examined.

By the JUDGE-ADVOCATE:

Q. Were you present at a house at or near Prairie Grove, Ark., on the return march from the Arkansas River, when the accused was present?—A. Yes, sir.

Q. State what occurred there?—A. We were out after forage at Prairie Grove, and when we came back to the house there were a lot of soldiers there, and also the accused. They got something to eat there at the house.

Q. What did these soldiers do at this house and to what regiment did they belong?—A. They belonged to the Fifteenth Kansas. They got some bread and butter and some things to eat there, after getting forage.

Q. State whether or not there was any request made by a lady at that house to Major Laing, asking him to prevent the soldiers' robbery?—A. Yes, sir; I believe she asked him to take the soldiers away.

Q. What was his reply?—A. He said he could not do anything with them; they were in the habit of doing as they pleased.

Q. Did you see any instance where money was taken from women by soldiers of the Fifteenth Regiment?—A. I don't know that there was any money; I saw some pocket-books taken, but I don't know what was in them.

Q. Where was that?—A. This side of Prairie Grove, at the right of the road.

Q. Did these soldiers demand the money?—A. Yes, sir.

Q. State what they did at the time.—A. They drew their revolvers and demanded her money; she said she had none. Finally she gave them her pocket-book, but what was in it, I don't know.

Q. Do you know what company they belonged to?—A. I do not. There were two sergeants and one private. One of them took a feather bed at the same place. The sergeant told the private to get what he came after, and he went and took a feather bed. She said her husband was a Union soldier in the fort at Fayetteville.

Q. Did he take the bed off?—A. Yes, sir.

Q. How far was this from the column?—A. About 4 miles, I think.

Q. Did you see any houses fired by soldiers of the Fifteenth Regiment?—A. I don't know that they belonged to that regiment; I saw houses fired.

Cross-examination by the ACCUSED:

Q. Was not Major Ketner, of the Sixteenth, and some of the men of that regiment at that house before the accused came there?—A. I did not see him. I was out in the field after forage and when I came in he was not there.

Q. Was the accused present when the pocket-book was taken of which you speak?—A. No, sir.

The witness then retired.

The judge-advocate then announced that the prosecution was closed.

The court then adjourned until 10 o'clock a. m., Tuesday, March 7, 1865.

FORT LEAVENWORTH, KANS., 10 *o'clock a. m., Tuesday, March* 7, 1865.

The court met pursuant to adjournment.

Present, the same members as at the last session. The judge-advocate, the accused, and his counsel were also present.

The proceedings of the last session were read and approved.

JAMES G. BLUNT, major-general, U. S. Volunteers, a witness on the part of the defense, was duly sworn in presence of the accused, by the judge-advocate, and examined.

By the ACCUSED:

Q. Are you acquainted with the accused?—A. I am, sir.

Q. Have you ever seen him in battle, and if so, where, and what was his conduct as to courage?—A. The only time that he ever came under my personal observation in an engagement was at the battle of Little Blue on the 21st of October last. There was nothing I observed in his conduct that was discreditable to him as an officer.

The witness then retired.

On motion the case was continued until March —, 1865.

FORT LEAVENWORTH, KANS., 10 *o'clock a. m., Wednesday, March* 8, 1865.

The court met pursuant to adjournment.

Present, the same members as at the last session. The judge-advocate, the accused, and his counsel were also present.

The proceedings of the last session were read and approved.

CHARLES R. JENNISON, colonel, Fifteenth Kansas Volunteer Cavalry, was recalled for the defense and examined.

By the ACCUSED:

Q. Do you know the accused?—A. I do.

Q. State what opportunities you have had to observe the general conduct of the accused as an officer?—A. Since the organization of the Fifteenth Kansas Volunteer Cavalry he has been under my immediate command part of the time. During the recent campaign in different engagements he was under my personal observation. At the Little Blue, I had occasion to call Major-General Blunt's attention to the conduct of the accused on the battlefield; at which time General Blunt agreed with me that he handled his men coolly, and conducted himself as an officer well qualified for the position. At Newtonia he was reported to me by Lieutenant-Colonel Hoyt, commanding the brigade, as conducting himself with the same gallantry there. Some complaints were made to me of Major Laing, since the return march, for depredations said to have been committed by him, but nothing has been officially brought to my knowledge.

The witness then retired.

J. B. SWAIN, captain of Company K, Fifteenth Kansas Volunteer Cavalry, a witness for the defense, was duly sworn in presence of the accused by the judge-advocate and examined.

By the ACCUSED:

Q. Where were you on the 23d day of October, last?—A. I can't tell anything about dates.

Q. Were you near Shawneetown on the Sunday of the battle at Westport?—A. I was 3 or 4 miles from there at the time the cannonading was going on.

Q. Did you see the accused that day?—A. Yes, sir; I met him.

Q. Where?—A. On the road leading from Shawneetown to Kansas City.

Q. Where did you understand the accused was going at the time you met him?—A. We were making our way to Kansas City to join the command of General Curtis.

Q. Did you continue your march to Kansas City?—A. No, sir.

Q. Where did you go?—A. We were continuing our march to Kansas City until a flag was brought in to us. It looked like it had been shot to pieces. The man who brought it said General Curtis's command had fallen back to Kansas City and this flag was sent to us to show us we could not get through to Westport. The accused expressed his desire to get to the command and several officers spoke up and suggested it would be best to cross the Kansas River. We tried several crossings and finally crossed the river at Chateau's crossing.

Q. What, if anything, did you hear in regard to the condition of affairs at that time at Shawneetown?—A. Captain Young said Shawneetown was taken by the rebels and that one lieutenant and 15 of his men had been taken there and that Shawneetown was burning; that he saw it on fire.

The witness then retired.

GEORGE H. HOYT, lieutenant-colonel Fifteenth Kansas Volunteer Cavalry, a witness for the defense, was duly sworn in presence of the accused by the judge-advocate and examined.

By the ACCUSED:

Q. Do you know the accused?—A. I do.

Q. What opportunities have you had to observe his conduct in battle?—A. Frequent.

Q. State them.—A. He was engaged with me as a field officer at the Little Blue during the late Price's raid, and he was also with me at the battle of Newtonia.

Q. State his conduct on those occasions.—A. It was brave and praiseworthy. At the battle of the Little Blue I reported him specially. The next day at the battle of Byron's Ford he was detached from me. At the battle of Newtonia he displayed marked courage and coolness.

The witness then retired.

JOSEPH MACKLE, first lieutenant and adjutant of the Fifteenth Kansas Volunteer Cavalry, a witness for the defense, was duly sworn in the presence of the accused by the judge-advocate and examined.

By the ACCUSED:

Q. Are you acquainted with the accused?—A. I am.

Q. Have you ever had an opportunity to observe his conduct in battle?—A. I have.

Q. Where?—A. At Newtonia.

Q. State what his conduct was.—A. Very praiseworthy indeed.

The witness then retired.

JAMES WILSON, first lieutenant Company A, Fifteenth Kansas Volunteer Cavalry, a witness for the defense, was duly sworn in presence of the accused by the judge-advocate and examined.

By the ACCUSED:

Q. Were you at Bentonville, Ark., in November last, on the return march from the Arkansas River?—A. Yes, sir.

Q. Were you at the house of one Greenwood, said to be a rebel at that time?—A I don't remember the name.

Q. Were you at a house at Bentonville that time that was burned?—A. Yes, sir.

Q. Did you see the accused there?—A. Yes, sir.

Q. What do you know, if anything, concerning the accused making a demand for a certain revolver from a woman at this house?—A. I was told that the woman had two revolvers in her pocket, and I reported it to Major Laing. I think he told me to get them. I could not get at them very well, and I think he went himself, and I saw him get them. He took two pistols from the woman.

Q. Was any other demand made at the time?—A. I think not.
Q. Was any demand made for money by the accused?—A. Not that I heard.
Q. Did you see a trunk taken out of the house?—A. Yes, sir; I helped to carry it out.
Q. Was it broken open?—A. I think it was.
Q. Did the accused have anything to do with breaking open that trunk?—A. I think not.
Q. Did he take anything from that trunk?—A. Not that I know of.
Q. What was the condition of that house when the accused came there that time?—A. I am not positive as to the time he came there; I think he came about the same time I did.
Q. What was the condition of it then?—A. It was on fire when I came and I think he came about the same time.

Cross-examination by the JUDGE-ADVOCATE:

Q. Who did break open the trunk?—A. The circumstances were about these: The woman was in the house sitting on the trunk; the house was on fire and she appealed to someone to help her carry it out and take care of it. I assisted her to carry it out and set it in the yard. I left the trunk a step or two, and there was a large crowd, a dozen or two, of men gathered around it and it was broken open, but I don't know who did it. I think there were perhaps a dozen engaged in it.
Q. Did you see a silver dish taken out of the trunk?—A. No, sir.
Q. Did you see a lady's gold watch in the trunk?—A. No, sir.

By the COURT:

Q. Were these pistols United States pistols or claimed to be United States property?—A. No, sir; they were not; they were short pistols—something like duelling pistols.
Q. Were they private property?—A. I don't know about that; I suppose they were.
Q. What became of them?—A. I do not know.
Q. You say the accused took them?—A. Yes, sir.
Q. Can you say that Major Laing did not break open that trunk?—A. I can not.
Q. Were these pistols given back to the person who had them?—A. I do not know.
The witness then retired.

CHARLES R. JENNISON, colonel Fifteenth Kansas Cavalry Volunteers, was recalled for the defense and examined.

By the ACCUSED:

Q. Are you acquainted with Major Pennie, late of General Blunt's staff?—A. I am, with a man so announced on Major Blunt's staff.
Q. State what order was delivered by him to you near the Arkansas River in November last.—A. I received an order from Major Pennie to desolate the country from the Arkansas River to Fort Scott; to leave it so bare that a bird couldn't live in it, and to burn every house within 10 miles of the road. The order was after modified so as to exclude the country within the State line of Kansas. I asked Major Pennie if that was an order from Major-General Blunt. He stated it was, and he expected it to be carried out. I believe that is about the wording of the order.
Q. Who were present at the time?—A. Major Laing, Lieutenant Mackle, Captain Norton, Lieutenant Goss, Captain Thompson, I think Lieutenant-Colonel Hoyt, and from circumstances since transpired I have learned that Lieutenant Johnson was present, whom I did not remember in my first testimony, and several enlisted men.
Q. Did you ever call the attention of your officers to that order?—A. I called the attention of the officers present at the delivery of the order to it. I thought it a strange order, and for that reason called their attention to it and asked particularly if it was from General Blunt.

By the COURT:

Q. After having received that order of General Blunt's through Major Pennie, was it published to your brigade or simply the attention of the officers around you called to it?—A. It was not published by me, but the attention of all officers present was called to it as an order coming from General Blunt as one of his orders.
Q. That was all the orders you gave to your subordinates?—A. I issued no order, for I considered it an illegal order, and they acted on the responsibility of the order direct from General Blunt.
Q. You gave no orders to pillage?—A. Nothing, at all; I gave all my officers orders to give receipts for all articles taken necessary for the command.
The witness then retired.
The accused asked to have Mr. Pond, formerly of the Third Wisconsin Cavalry, subpœnaed, but who is now out of the service and living in Wisconsin, by which he expected to prove that on his arrival at this house it was on fire. That the trunk in *question was* broken open by another party, and substantially the same facts *concerning that as sworn to* by Lieutenant Wilson.

The judge-advocate admitted that Pond would swear to these facts if present.

The accused moved the court that all that part of Captain Smith's testimony relating to the hanging of persons in November last, be excluded from the consideration of the court as evidence in this case, because he is not charged with hanging of anyone or being accessory to the hanging of anyone.

The testimony for the defense being all before the court, the judge-advocate then proceeded to introduce testimony in rebuttal.

GEORGE S. HAMPTON, captain and assistant adjutant-general, United States Volunteers, a witness for the prosecution, was duly sworn in presence of the accused and examined.

By the JUDGE-ADVOCATE:

Q. In what capacity were you acting on the 9th of November last?—A. I was assistant adjutant-general, First Division, Army of the Border.

Q. Can you, as assistant adjutant-general, state what orders were issued to the brigade commanded by Colonel Jennison in regard to the return march to Kansas?—A. No, sir; I can not.

Q. Do you know anything in regard to an order issued by General Blunt to devastate the country between the Arkansas River and Fort Scott?—A. I do not know anything about such an order having been issued. I was not with General Blunt on the 9th of November last, although assistant adjutant-general of the division. He was at the Arkansas River and I was on my way from Fort Scott to join him. His orders were issued by Lieutenant Eels, assistant adjutant-general.

Cross-examination by the ACCUSED:

Q. How do you know these were issued through Lieutenant Eels?—A. I saw a copy of a special field order issued by General Blunt at the Arkansas River to Colonel Jennison in regard to his march back to Fort Scott, and signed by that officer as assistant adjutant-general.

The witness then retired.

The judge-advocate announced the case closed as far as the testimony was concerned.

The accused asked time to prepare his final defense, which was granted, and the case was continued until Tuesday, March 14, 1865.

FORT LEAVENWORTH, KANS., 10 *o'clock a. m., Tuesday, March* 14, 1865.

The court met pursuant to adjournment.

Present, the same members as at the last session. The judge-advocate, the accused and his counsel were also present.

The accused, through his counsel, then read his final defense, which is hereto appended and marked A.

The judge-advocate not desiring to make any reply, submitted the case to the court without remark.

The court was then cleared for deliberation, and after maturely considering the evidence adduced, finds the accused as follows:

Of the first specification under Charge 1, "Not guilty."

Of the second specification under Charge 1, "Not guilty."

Of the Charge 1, "Not guilty."

Of the specification under Charge 2, "Guilty."

Of Charge 2, "Guilty."

Of the first specification under Charge 3, "Guilty," except the words, "and a lady's gold watch."

Of the second specification, under Charge 3, "Guilty."

Of the third specification, under Charge 3, "Guilty."

Of Charge 3, "Guilty"

And the court does therefore sentence him, the said Maj. John M. Laing, Fifteenth Regiment Kansas Volunteer Cavalry, "to be dismissed the service" and to be forever incapacitated from holding any military position in the service of the United States.

GEO. SYKES,
Major-General, President General Court-Martial.

ALLEN BLACKER,
Major First Nebraska Cavalry Veteran Volunteers, Judge-Advocate.

EXHIBIT A.

[United States *vs.* Maj. J. M. Laing, Fifteenth Kansas Volunteer Cavalry, Fort Leavenworth, Kans., before the general court martial of which Maj. Gen. George Sykes is president.]

Mr. PRESIDENT AND GENTLEMEN OF THE COURT MARTIAL:

The charge of cowardice for which I am arraigned is one of the most serious known to military law, and in consideration on this point the members of the court should place themselves in my position at the time of the alleged cowardice, and not in the light of subsequent events.

If the court please, I will give my version of the offense in question.

I was ordered out by Colonel Jennison on a reconnoitering scout. I had no orders to attack the enemy; in fact I had no force for that purpose; from all the information in our hands it appears the enemy was in force. As I came with my command in the immediate vicinity of the enemy, I found a force far superior to my own flying in disorder to the rear. Among them was the regiment of Colonel Veale, who as I knew had been an officer of experience and good reputation in the volunteer service. It was no time for a lengthy consultation or deliberation, but from all I could learn my judgment dictated the movement made, and as far as the evidence goes, I was sustained in the movement by all the officers of my command and by the example of the officers of the militia. So much for the first day's movement.

The next morning I started my command in the most direct line, as I supposed, to the main command. The evidence shows that all kinds of rumors existed, all agreeing in the fact that a large force of the enemy was at or near Shawneetown. No attention was paid to any of these reports until they were confirmed by Captain Young, of the Fifth Kansas, who, with all the minute details, described the position of the enemy in force at Shawneetown. Believing this to be true, I made inquiries for the most convenient route to pass his right flank. After two unsuccessful attempts to cross at Chateau's Crossing, after crossing, I heard the reports again of the retreat of the Federal troops; then it was that I thought that my force, small as it was, might by a forced march assist in holding the enemy on the south bank of the Kaw.

I may have erred in all these movements, and who, let me ask of any experienced in this war, but has made mistakes of judgment, but do not even admit this, but believe now, as I did then, that I was taking most judicious steps, if the information was true, and the information coming as it did from such a variety of sources and from commanding officers, I was forced to give it a consideration.

The remaining charges, "Neglect of duty" and "Conduct unbecoming an officer and gentleman," are based on the assumption that I was in command of my regiment at the time. This, then, was an important point for the prosecution to establish; this is the main point in the investigation, for if I am to be held responsible for the acts of others, it must appear beyond a doubt that the parties in question were under my control. The question of command is a very simple one, and if the facts are alleged, is easily proven. In fact, this is a question that is easier proven if true usually than to show it negatively. And, in a question of this kind, attention should be paid to the kind of witnesses to those whose position would give them a right to speak rather than to those who speak from hearsay or from popular knowledge.

The prosecution introduced very properly on this point Colonel Jennison. He, in fact, was the only witness examined who had any official knowledge in the matter. He was the only one sworn who had the means to know; his testimony was clear on this point, and stands before the court unimpeached. He said Lieutenant-Colonel Hoyt was technically and actually in command on this return march. The only modification of this was that at Cane Hill I was put in temporary command of the regiment. This, at farthest, would only fix the responsibility on me while in the vicinity of Cane Hill. If I am to be convicted of committing any crime by allowing my command to plunder, it must appear that the robbing and command were concurrent. I was not the senior officer present with my regiment; hence would never be presumed to be in command; the fact that I was at my place with my regiment can not be urged against, neither would the illegal absence of any other officer whose duty it was to be present create any new liability in me. It is a maxim of equity that "no man can take advantage of his own wrong." The main allegations in the specifications have not been proven. There is no evidence that I broke open the trunk or took anything whatever from either it or the house.

The general conduct of the command on this return march has been brought before the attention of the court and from all the evidence it seems that but a small degree of discipline was maintained, much of what might be called straggling has however been accounted for, and as far as the burning of houses is concerned, I have shown that this was by the order of General Blunt, and here let me remark that had this order for burning never been given, little would have been heard of plundering.

It will not be supposed for a moment that the burning of the houses near and at *Cane Hill was* by my order or permission. My rank or position in the command *would rebut this* presumption. But some one gave the order, it was allowed to con-

tinue by officers that are senior to me, and they, I contend, are the parties responsible for all the general plundering. I may not have been as active in opposing this policy—but of that I am not charged; the plundering of houses, although it be highly demoralizing, is but one of the incidents of desolating the country. Our attention has been called to this order by Colonel Jennison, this was the policy in force at Cane Hill; taking this order then into consideration, and the fact that the men of our regiment were in part compelled to live on the country, plundering to a greater or less extent was the natural and legitimate consequence, and upon him or them who instituted the policy of burning rests the responsibility.

JOHN M. LAING,
Major Fifteenth Kansas Volunteer Cavalry.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., March 20, 1865.

Finding and sentence confirmed; Maj. John M. Laing, Fifteenth Regiment Kansas Volunteer Cavalry, ceases to be an officer in the service of the United States from this date.

G. M. DODGE,
Major-General.

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE.
Washington, D. C., September 26, 1890.

Official copy.

G. NORMAN LIEBER,
Acting Judge-Advocate-General.

Your committee have carefully examined the proceedings of said court-martial and the evidence produced, and can only conclude that Major Laing was made the scape-goat for the misdeeds and crimes of others—his superior and commanding officers, and that in all justice and fair dealing he should now as far as possible be relieved from the odium cast upon him.

Your committee do not approve the form of the bill as passed by the House, as the President has the pardoning power to remit the unexecuted sentence of the court-martial. Your committee have therefore prepared an amendment in the nature of a substitute authorizing the President to remit the unexecuted sentence, and to cause him to be honorably mustered out of the service as of the date of such sentence with a proviso that no pay or allowance shall be given Major Laing, and report the bill back to the Senate and recommend its passage as amended.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2446.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 4745.]

This bill directs the Secretary of War to issue an honorable discharge to John Reilly, late captain Third Marine Corps, Missouri Volunteers, as of date December 31, 1861: "*Provided*, This act shall not entitle said Reilly to bounty, pension, or extra pay."

Your committee referred the bill to the War Department for full data and information, and received in reply the following reports and copies of records and proceedings, to wit:

WAR DEPARTMENT,
Washington City, January 28, 1891.

SIR: In compliance with your request therefor of the 22d instant, received the 24th, I am directed by the Secretary of War to transmit herewith a history of the force organized in the fall of 1861, under authority granted by Major-General Fremont, commanding Western Department, and known as the Marine Corps, Missouri Volunteers, together with copies of rolls, records, and papers pertinent thereto.

It is proper to add that the rolls upon which the members of the force were paid for their services are filed in the office of the Third Auditor of the Treasury.

The papers submitted by you are herewith returned.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Hon. F. M. COCKRELL,
United States Senate.

WAR DEPARTMENT, RECORD AND PENSION DIVISION,
Washington, January 28, 1891.

It appears from the records of this Department that Maj. Gen. John C. Fremont, commanding Western Department, authorized Thomas Maxwell, James Abrams, and John Reilly, on August 13 and 28, and September 12, 1861, respectively, to raise a marine corps for river transportation service during the war, to consist of 1 captain, 2 pilots (first and second), 4 engineers (first, second, third, and fourth), 2 mates (first and second), 1 clerk, 1 steward, 30 sailors, 8 firemen, 1 watchman, 1 cook and mate, and 1 cabin boy. Captain Reilly was also authorized to add 1 carpenter to his roll.

Capt. Thomas Maxwell's company was called the First Company, Captain Abrams' the Second Company, and Captain Reilly's the Third Company, Marine Corps Missouri Volunteers.

Under instructions from General Fremont the 3 companies were mustered into the United States service by Capt. Albert Tracy, Tenth Infantry, mustering officer, to date as follows: The First Company to date from the 20th day of August, 1861, for the term of 3 years; the Second from the 2d day of September, 1861, for the term of during the war, and the Third from the 18th day of September, 1861, for the term of the war.

On January 9, 1862, Capt. P. T. Turnley, assistant quartermaster at St. Louis, addressed a letter to the assistant adjutant-general, Department of the Missouri, the substance of which is as follows:

"I mustered and paid off to December 31, 1861, and on that day discharged from all further service, the 3 companies of steamboat crews, called, respectively, the First, Second, and Third Marine Corps of Missouri Volunteers.

"I inclose a brief of the same, not having the muster-in rolls.

"I learn the captain of one or more design not to acknowledge their discharge, but to come forward monthly for payment.

"Please publish an order discharging them."

Thereupon orders were issued, of which the following is a copy:

Special Orders, No. 29.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, January 10, 1862.

[Extract.]

* * * * * * *

The three Marine Corps under command of Maxwell, Abrams, and Reilly, having been mustered out and paid to December 31st by Captain Turnley, quartermaster U. S. Army, are discharged from the service of the United States on and after that date.

* * * * * * *

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

WAR DEPARTMENT, RECORD AND PENSION DIVISION,
January 28, 1891.

Official copy respectfully furnished for the information of Hon. F. M. Cockrell, United States Senate.

By authority of the Secretary of War:

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

HEADQUARTERS WESTERN DEPARTMENT,
St. Louis, September 12, 1861.

SIR: You are hereby authorized to recruit a marine corps for river transportation service during the war and to consist of 1 captain, 2 pilots (first and second), 4 engineers (first, second, third, and fourth), 2 mates (first and second), 1 clerk, 1 steward, 30 sailors, 8 firemen, 1 watchman, 1 cook and mate, and 1 cabin boy.

When you shall have completed the organization of said corps you will apply to these headquarters, when the necessary orders will be issued.

J. C. FREMONT,
Major-General Commanding.

Capt. JOHN REILY.

Captain Reily has authority to add to the above 1 carpenter.

J. C. FREMONT,
Major and A. D. C.

ST. LOUIS, MO., *August* 29, 1883.

SIR: May I please inform you that I received a commission as captain of a marine corps from Maj.-Gen. John C. Fremont, dated September 12, 1861, authorizing me to muster into the United States service 53 able-bodied men, to be under my command, to consist of pilots, engineers, sailors, firemen, watchman, cook, and steward, to serve for 3 years or during the war. And I did have myself and 53 men mustered into the United States service on the 18th day of September, 1861, by Capt. Alfred Tracy, of the Tenth United States Infantry, at the United States Arsenal, St. Louis, Mo. On the 19th September, 1861, by order of General Fremont, I took command of the United States steamer *John D. Perry* and remained in active service, carrying troops and commissary stores on the Missouri River to Jefferson City, until General Fremont organized his grand army and went after Price to Springfield, Mo., defeating the enemy *and keeping* Missouri in the Union. After General Fremont started from Jefferson *City with that grand* army I was then ordered by Quartermaster Klinck, on the 5th

of November, 1861, at 12 o'clock m., to proceed to St. Louis. Arrived at St. Louis 6th instant at 7 o'clock p. m. Reported to Commodore Able, then commenced carrying commissary stores to Cairo at mouth of Ohio; also to Paducah, mouth of Tennessee, General Grant being at Cairo. On the 3d of December, 1861, I pulled off the gunboat *Essex*, commanded by Commodore Porter, thereby saving said boat from becoming a wreck at head of Devil's Island on Mississippi; and on 10th day of December, 1861, gunboat *Essex* got aground again on Crawford's Bar in trying to get out to Cairo. Commodore Porter ordered me to come as fast as possible to his relief. I reached him same day, took off all the heavy guns and heavy freight, lighted boat up and pulled boat off, conveyed him safe to Cairo, put back everything in its proper place, General Grant being there same time.

General Halleck superseded General Fremont in taking command of the Western Department, and on the 10th day of January, 1862, delivered the *John D. Perry* to its owners, leaving me unmustered out of the United States service. I can prove I have not received my discharge, nor have I been mustered out; can also prove that I performed all the duties assigned me as captain of said vessel with credit to myself and justice to the Government. Captain Tracy must have sent a copy of my muster-roll to Washington, as it was his duty. I reported for duty regularly during the remainder of the war at General Parsons's headquarters, Fourth and Washington avenue, St. Louis, Mo. I hope that when you have become satisfied that my claim is honorable and just that you will order me mustered out with an honorable discharge.

I remain your most obedient servant,

JOHN REILLY,
1007 *North Tenth Street, St. Louis, Mo.*

The ADJUTANT-GENERAL.

[First indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
September 10, 1883.

Respectfully referred to the Quartermaster-General of the Army, with request that this office be furnished with such information as the records of his office may afford relative to the service herein alleged.

M. BARBER,
Assistant Adjutant-General.

[Second indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, September 25, 1883.

Respectfully returned to the Adjutant-General of the Army. John Reilly is reported to this office by Capt. P. T. Turnley, A. Q. M., at St. Louis, Mo., as employed as captain of the U. S. chartered steamer *John D. Perry*, from September 18 to December 31, 1861, at $175 per month. His name is not found reported for any subsequent period by Capt. Turnley or any other quartermaster at St. Louis.

S. B. HOLABIRD,
Quartermaster-General, U. S. Army.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
October 22, 1883.

Mr. JOHN REILLY,
1007 *Tenth Street, St. Louis, Mo.:*

SIR: In reply to your letter of August 29 last, in which you state you were commissioned by General Fremont in September, 1861, as captain of a marine corps, and requesting an honorable discharge from the service as such, I have the honor to inform you that the records fail to show that you were so commissioned, or that you rendered any service as an officer in the military service of the United States during the late war; and therefore your request can not be considered.

The Quartermaster-General of the Army has reported that you were a civilian employé of the Quartermaster's Department, employed as captain of the United States chartered steamer *John D. Perry*, from September 18 to December 31, 1861, at $175 per month.

Very respectfully,

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS, WESTERN DEPARTMENT,
St. Louis, August 13, 1861.

Capt. THOS. MAXWELL:

SIR: You are hereby authorized to recruit a marine corps to serve during the war, to consist of one captain, two pilots, four engineers, two mates, one clerk, one steward, thirty sailors, eight firemen, one watchman, one cook and mate, one cabin boy, one cabin waiter, and one carpenter.

When you shall have completed the organization of said corps you will apply to these headquarters, when the necessary orders will be issued.

J. C. FREMONT,
Major-General Commanding.

HEADQUARTERS, WESTERN DEPARTMENT,
St. Louis, Mo., August 19, 1861.

SIR: The general directs that Captain Maxwell's company of seamen be sworn in for the war.

Very respectfully, your obedient servant,

J. C. KELTON,
Asst. Adjutant-General.

Capt. A. TRACY,
Mustering officer, St. Louis Arsenal, Missouri.

STEAMER HANNIBAL CITY, *August* 28, 1861.

Captain TRACY, *Arsenal:*

SIR: This will be handed you by Mr. Morrison, pilot. You will please swear in the following persons, viz: Patrick Kemp, sailor; Cornelius Kelliher, first waiter; Charles F. Shaukey, first cook.

You will be kind enough to inform me whether my men's time commences on the day they are mustered into service or the day we are put on board of a steamer.

Myself and men were sworn in on the 20th, shipped on board on the 22d; are we not entitled for pay on the 20th and 21st? Please answer.

Yours respectfully,

THOS. MAXWELL,
Captain, First Company of Marines.

HEADQUARTERS, WESTERN DEPARTMENT,
September 21, 1861.

COMMANDING OFFICER,
Arsenal:

You will cause Captain Abram's Marine Corps to be sworn in for the war.

Per order general commanding.

Respectfully,

I. C. WOODS,
Secretary.

For the Marine Corps No. 1, Captain Thomas Maxwell:

George E. Townsend, age 27.
John H. Allen, age 46.

ST. LOUIS, *November* 11, 1861.

I have examined the above named (2) recruits and find them sound and healthy.

J. M. WINSLOW, M. D.,
Assistant Surgeon, U. S. Volunteer Service.

HEADQUARTERS, MOUNTAIN DEPARTMENT,
Wheeling, Va., April 26, 1862.

Hon. E. M. STANTON,
Secretary of War:

SIR: I respectfully inclose the paper of Captain Maxwell and his officers asking consideration of their case and a decision as to their position in service. Unless

Captain Maxwell and his men are hereafter to be continued upon duty, I conceive it would be but an act of justice to a worthy body to have them formally mustered out.

Respectfully, your obedient servant,

J. C. FREMONT,
Major-General Commanding.

[Inclosure 1.]

ST. LOUIS, *April* 29, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington:

SIR: Inclosed I hand you, respectfully, a petition from myself and officers, together with a letter from Major-General J. C. Fremont, commanding Mountain Department.

The writer was the first to offer his services, and desires to be transferred to the naval service.

Your obedient servant,

THOMAS MAXWELL,
Captain, First Marine Corps.

[Inclosure 2.]

ST. LOUIS, MO., *March* 19, 1862.

Maj. Gen. J. C. FREMONT:

SIR: We, the undersigned, officers of the first company of Missouri Volunteers, organized by authority from you and regularly mustered into service for 3 years or during the war, unless sooner discharged:

Now, general, we were mustered into the service as the First Marine Corps, and your order for recruiting was unconditionally for the war. After a service of nearly 5 months we were, by an order published in the St. Louis papers, ordered by Major General Halleck discharged from the service, without being mustered out.

Colonel Tracy of your staff mustered us into service, and he told the writer that his company could not be discharged from the service without some cause of complaint, or by a general court-martial, or by a direct order from the Secretary of War.

We have faithfully discharged our respective duties and now desire to ask Major General Fremont to have our case carefully considered. We are ready for duty either on gunboat or transport service for the whole term of our enlistment, and we respectfully ask you, general, to have such steps taken as will cause us to be reinstated in our respective capacities.

Should the major-general consider our discharge, without being regularly mustered out of service, legal and just, we will cheerfully bow to your decision, but if not will you please take such steps as will cause the Department here to have us regularly and legally mustered out of the service.

This latter course is very important to us on account of our not being able to obtain employment while we remain in our present position.

We would respectfully state to the major-general that we who did volunteer and serve can not now obtain employment, while those who were strongly opposed to the Government last August are now being employed, and true and loyal men allowed to remain inactive. Awaiting your reply, general, we are, your obedient servants,

THOMAS MAXWELL, *Captain First Marine Corps,*
H. C. NEARNS, *First Engineer.*
LEWIS FORREST, *Second Engineer.*
WASHINGTON MARTIN, *First Mate.*
GEORGE TOWNSEND, *Pilot.*
MOTT MORRISON, *Pilot.*
JOHN H. ALLEN, *Clerk.*

[Indorsements on inclosure 2.]

Respectfully referred to Colonel May, assistant adjutant-general, who will lay the paper again before the major-general commanding, with his opinion.

By order of Major-General Frémont:

R. W. RAYMOND,
Captain and Aide-de-camp.

WHEELING, VA., *April* 26, 1862.

I hereby certify that the company of Captain Maxwell was regularly mustered into service by me in August or September, 1861, at St. Louis, Mo., as the "First Marine Corps," by order of Major-General Fremont, then commanding in this Department. The company was mustered for the war, and no distinction was had as to terms of enlistment or other conditions of service, as compared with other volun-

teers, except in forms of appellation, as agreeing with organizations for gunboat service. I know of no act to the discredit of Captain Maxwell or any of his officers or men; on the contrary, I found them enthusiastic to serve the Government and to do their duty agreeably to obligations taken.

ALBERT TRACY,
Colonel and Aide-de-camp (late mustering officer, St. Louis, Mo.).

[Inclosure 3.]

ST. LOUIS, *April* 24, 1862.

Maj. Gen J. C. FREMONT,
Mountain Department, Wheeling, Va:

SIR: Inclosed I hand you a letter from the officers of my late company asking your kind consideration of their case.

The major-general will confer a special favor by giving this your careful consideration, and have the same referred to the Secretary of War for his decision.

The writer was the first to volunteer his services in this city to organize a Marine Corps, and hopes the major-general will cause him to be reinstated or commissioned in either the naval or military service.

I am, major-general, your obedient servant,

THOS. MAXWELL,
Late Captain First Volunteer Marine Corps, Missouri.

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE, *July* 17, 1862.

Respectfully referred to Major-General Halleck, commanding Department of the Mississippi, for report.

By order of the Secretary of War.

THOMAS M. VINCENT,
Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT MISSISSIPPI,
Corinth, July 25, 1862.

Respectfully referred to Brig. Gen. W. Scott Ketchum, acting inspector-general, with the request that he will furnish such information in this case as the records in the office at St. Louis may afford.

Very respectfully,

W. H. MCLEAN,
Assistant Adjutant-General.

[Third indorsement.]

Pilot Mott Morrison was discharged by Special Order 116 of General Halleck, dated 6th February, 1862, and the balance, it is presumed, under the provisions of Special Order 304, headquarters Army, Adjutant-General's office, of November 12, 1861. The discharge from s rvice by order of General Halleck can not be called "illegal," for he had authority to act from the War Department.

General Halleck is now in Washington and can give any further information deemed requisite in this case.

W. SCOTT KETCHUM,
Brigadier-General, Acting Inspector-General.

ST. LOUIS, MO., *July* 29, 1862.

ST. LOUIS, MO., *June* 10, 1862.

Hon. E. M. STANTON,
Secretary of War:

SIR: I beg to trouble you again and trust you will do me the favor, by informing me what steps I must take to be reinstated and assume my duties again. I received the appointment of captain, from Maj. Gen. J. C. Fremont, of the First Volunteer Marine Corps of Seamen for the war, and was mustered into service by Colonel Tracy, and after 5 months' service was discharged by Major-General Halleck, but have not been mustered out of service.

I can produce the best of reference as to my ability and capacity to execute any *orders I may be intrusted* with.

I was the first to offer to the late Brigadier-General Lyon my services to organize five marine corps for river service, which was approved, but General Harney discountenanced his acts, afterwards accepted by General Fremont.

I am prepared to accept an appointment on any gunboat as first or second mate. Awaiting your reply,

I am, your obedient servant,

THOMAS MAXWELL,
Captain, First Marine Corps.

SPECIAL ORDERS, No. 29.

HEADQUARTERS, DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., January 10, 1862.

* * * * * * *

4. The three marine corps, under command of Maxwell, Abrams, and Reilly, having been mustered out and paid to December 31 by Captain Turnley, quartermaster, U. S. Army, are discharged the service of the United States, on and after that date.

By order of Major-General Halleck.

J. C. KELTON,
Assistant Adjutant-General.

[Mason & Clements's War Claim Bureau, No. 52 North Third street, near post-office.]

ST. LOUIS, *April* 4, 1864.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.:

SIR: We have the honor herewith to inclose the application, with exhibits attached thereto, of Thomas Maxwell.

Would respectfully request that the same may receive as early consideration as the nature of the application and other circumstances will conveniently admit, and the result communicated to

Your most obedient servants,

MASON & CLEMENTS.

[First inclosure.]

WASHINGTON HALL, *St. Louis, May* 17, 1861.

A meeting of rivermen was organized by electing D. C. Riter to the chair and George Townsend as secretary.

On motion a committee of five was appointed to draft resolutions to express the object of this meeting. Said committee consisted of James A. Dobbins, H. C. Nurnes, M. M. Parker, Phillip Shell, and D. C. Riter.

Resolved, That we, the undersigned, captains, pilots, mates, engineers, carpenters, do agree and volunteer our services to the Federal Government of the United States in our several capacities on any boat or boats the commanding officer of the Department of the West may see fit to place for one year or during the war.

Resolved, That we value our services at the rate of $200 per month, for captain $300 per month, for pilots each $350, to engineer the boat, including first, second, third and fourth engineers. Mates at $150 per month and $75 for second mate and $100 per month for carpenters.

Resolved, That the sailors and deck hands' wages are valued at $25 per month.

Resolved, That each division shall consist of 1 captain, 2 mates, 2 pilots, 4 engineers, and 2 carpenters and 25 men.

Resolved, That the officers' rations shall be on the same grade as lieutenants of the army.

The above resolutions were adopted unanimously.

G. E. TOWNSEND, *Secretary.*
D. C. RITER, *Chairman.*

H. C. Nearns, First Engineer; Harrison Fox; James A. Dobbins, First Engineer; John Snell, Second Engineer; John Wavey, First Engineer; Samuel Mackall, First Engineer; Cochran E. Arbuthnot, First Engineer; Joseph A. Kennedy.

M. M. Parker, Wm. Rowe, Philip Shell, Mates; Samuel Matfenbaugh, Carpenter; Alex. Fraser, Captain; G. E. Townsend, Pilot; D. C. Riter, Captain; Thos. Maxwell, Captain.

Resolved, That the meeting now adjourn to meet in the Washington Hall, SW. corner Third and Elm *streets, at 3 o'clock p. m.* on Saturday, May 18.

[Second inclosure.]

CAIRO, ILL., *December* 9, 1861.

I send a pilot for Captain Pater and have directed a propeller from St. Louis, and also a steamer, if one could be found, to help him, which he will use at his discretion. We want Captain Pater's big gun. Say to Captain Shirk on the new gunboats to come here, as the *New Era* or *Express* (?) is ashore. Tell the *Bee* to go on to the *New Era* and see that the *Benton* is all right. Have a good guard put aboard gunboats at Cape G.

Captain MAXWELL,
Commanding First Marine Corps from the late Admiral Foote.

[Third inclosure.]

MILITARY COMMISSION,
Rolla, Mo., March 29, 1864.

GENTLEMEN: Inclosed I hand you the papers all duly executed, the persons who have signed and sworn as follows, viz:

C. H. Frost is member for the county of Phelps and J. M. Dinioin, sheriff for the same.

I hope this application will bring the matter to a close.

I am, gentlemen, your obedient servant,

THOMAS MAXWELL.

Messrs. MASON & CLEMENTS,
St. Louis, Mo.

[Fourth inclosure.]

STATE OF MISSOURI, *County of Phelps:*

On this 28th day of March, A. D. 1864, personally appeared before the subscriber, clerk of the circuit court (a court of record) within and for the county and State, aforesaid, Thomas Maxwell, who being duly sworn, on oath makes the following declaration:

That he is at present a resident at, and his post office address is Rolla, Phelps County, Missouri.

That on the 20th day of August, A. D. 1861, he (with his company) was mustered into the service for the war at St. Louis, Mo., as captain commanding the First Company of Marines Missouri Volunteers, for transport service.

That he served six months in said service, and received pay for that time, or thereabouts, and that on the 10th day of January, 1862, the company was disbanded by order of Major-General Halleck, but without ever having been actually mustered out of service.

That the evidences of authority to recruit a marine corps to serve during the war, of being sworn in, of the fact of being regarded as having been commissioned on the day when mustered into the service of the United States, and entitled to pay from that date, of having received a muster roll entitling to pay from date of muster, and of the published order disbanding the company, each and severally, will more fully appear by reference to copies of the same hereto attached, made part hereof, and marked, respectively, Exhibit A, Exhibit B, Exhibit C, Exhibit D, and Exhibit E.

That he makes this declaration for the purpose of being reinstated in service, and for arrears of pay, for the reason that he has never been duly mustered out of service in manner and form as required by the laws and regulations of the United States service in such case made and provided.

That he hereby authorizes and empowers Mason & Clements, of St. Louis, Mo., his agents and attorneys in fact to present the foregoing claim in his name and stead to receive and receipt for all moneys payable under it, or any pay certificate or certified evidence of indebtedness which may issue therefrom.

THOMAS MAXWELL. [SEAL.]

Sworn to, subscribed, and acknowledged before me the day and year first above written.

At the same time and place personally appeared before me, C. H. Frost and J. M. Dunlon, residents of Phelps County, Mo., persons whom I certify to be reputable and entitled to credit, and who, being duly sworn according to law, on oath, severally depose

and say that they are personally acquainted with Thomas Maxwell, and were present and saw him sign his name to the foregoing declaration and power of attorney therein; that they know him to be the identical person he represents himself to be, and that, as well from personal information as general repute, they believe his said declaration is true, and that they are, and each of them, wholly disinterested in the prosecution of this claim.

C. H. FROST.
J. M. DUNIOIN.

Sworn to and subscribed before me the day and year first hereinabove written, and I hereby certify that I have no interest in the subject-matter or prosecution of this claim. In testimony whereof I hereto set my hand, and affix the seal of said court the day and year first hereinabove written.

C. P. WALKER,
Clerk Circuit Court.

EXHIBIT A.

HEADQUARTERS WESTERN DEPARTMENT,
St. Louis, August 13, 1861.

Capt. THOMAS MAXWELL:

SIR: You are hereby authorized to recruit a marine corps to serve during the war, to consist of:

1 captain,	1 steward,	1 cook mate,
2 pilots,	30 sailors,	1 cabin boy,
4 engineers,	8 firemen,	1 carpenter.
2 mates,	1 watchman,	—
1 clerk,	1 cook,	74

When you shall have completed the organization of said corps, you will apply to those headquarters when the necessary orders will be issued.

J. C. FREMONT,
Major-General, Commanding.

EXHIBIT B.

HEADQUARTERS WESTERN DEPARTMENT,
St. Louis, Mo., August 19, 1861.

SIR: The general directs that Captain Maxwell's company of seamen be sworn in for the war.

Very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

Capt. A. TRACY,
Mustering Officer, St. Louis Arsenal, Missouri.

MUSTERING OFFICE,
St. Louis, November 11, 1861.

I certify the above is a true copy of the original now on file in this office.

GEORGE B. SANFORD,
Lieutenant First Cavalry, U. S. Army, Mustering Officer.

EXHIBIT C.

GENERAL ORDERS, No. 66.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 26, 1861.

1. * * * The commissioned officers of all volunteer organizations, no matter whether established under authority of a State or of the United States, will be regarded as having been commissioned on the day when mustered into the service of the United States, will take rank in their respective grades, and will be entitled to pay and be obeyed and respected in their several positions from that date.

2. * * * Hereafter no minors will be mustered into the service of the United States, as volunteers, without the consent of their parents or guardians.

By order.

L. THOMAS,
Adjutant-General.

EXHIBIT D.

ARSENAL, ST. LOUIS, *August* 28, 1861.

CAPTAIN: The pay and time of yourself and men commences at date of enrollment; this, by the roll I send you as completed, will be according to dates thereon.

Yours truly,

ALBERT TRACY,
Captain, Tenth Infantry Mustering Officer.

CAPTAIN MAXWELL,
Commanding First Company Marine Corps,
Steamer Hannibal City, St. Louis, Mo.:

P. S.—I hold all the original papers and send you the above as an evidence of my having received my muster roll, of date August 20, 1861.

T. MAXWELL.

Mustered in on August 20, 1861, for the war.

EXHIBIT E.

Copy of the Published Order.

SPECIAL ORDERS, No. 29. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., January* 10, 1862.

* * * * * * *

4. * * * The three marine corps under command of Maxwell, Abraham, and Riley having been mustered out and paid to December 31 by Captain Twonley, quartermaster, U. S. Army, are discharged the service of the United States on and ater that date.

By order of Major-General Halleck.

J. C. KELTON,
Assistant Adjutant General.

P. S.—I never have been paid by Captain Twonley or mustered out of the service by him or any other officer, and have reported frequently for duty.

T. MAXWELL.

Paid by order Brigadier-General Allen, chief quartermaster U. S. Army.

WAR DEPARTMENT,
Washington City, April 28, 1864.

SIR: I am directed by the Secretary of War to acknowledge the receipt of your communication inclosing papers in case of late Capt. Thomas Maxwell, and in reply to say that the order of General Halleck referred to in your petition is regarded as conclusive, behind which the Department will not go to reopen the case.

I am, very respectfully, etc.,

_____ _____,
Brigadier-General and Assistant Adjutant-General.

MASON & CLEMENTS,
St. Louis, Mo.

The foregoing papers give all the facts. Under the orders of General Fremont, this officer, Captain Reilly, doubtless supposed he was in the military; this, however, does not change the law. These three companies or marine corps for river transportation were not organized in pursuance of any law, State or national, and existed simply at the will or pleasure of the military authorities. In pursuance of the orders of a department commander, they were properly and lawfully discharged from the service by competent authority, but no certificate of service or discharge in writing was furnished Captain Reilly. As this bill only authorizes an honorable discharge as of the date when discharged from the services by proper military order, and confers no right to bounty, pay, or pension, your committee see no reason for refusing to pass it, and accordingly recommend its passage.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2447.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 10805.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10805) for the relief of Spencer D. Hunt, having had the same under consideration beg leave to submit the following report:

The facts in this case are fully set forth in the report of the House Committee on Military Affairs, which your committee adopt as their report, and recommend the passage of the bill.

[House Report No. 2769, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10805) for the relief of Spencer D. Hunt, having considered the same, respectfully report:

That the bill provides for the correction of the rolls of Company C, Fiftieth Regiment New York Engineers, by placing the name of Spencer D. Hunt thereon, and to grant the said Spencer D. Hunt an honorable discharge. Though it is clear from the evidence offered that the said Hunt was a member of the said company and did honorable service therewith until honorably discharged for disabilities incurred in the line of service, his name does not appear on the rolls of the said company.

The evidence offered in the case shows that the said Hunt enlisted in Company F, Fifty-third Regiment Pennsylvania Volunteers, but on an examination of the said Hunt, the surgeon pronounced him too young for the service, whereupon a recruiting officer, Captain Ide, proposed taking him to the Fiftieth New York Engineers, in which company he was duly enlisted. He served in this company until honorably discharged. The evidence is herewith printed as a part of this report.

For the reasons stated the committee recommend that the bill do pass.

CASE OF SPENCER D. HUNT.

RECORD AND PENSION DIVISION, *June* 23, 1890.

The accompanying bill (H. R. 10805) proposes to place the name of Spencer D. Hunt on the rolls of Company C, Fiftieth New York Engineers, as a private, and to grant him an honorable discharge.

The name Spencer D. Hunt has not been found on the muster-rolls or other records of the Fiftieth New York Engineers on file in this Department.

Under date of March 29, 1887, Charles E. Fairman, attorney, of Washington, D. C., submitted to this Department a petition praying for the recognition of Spencer D. Hunt as a member of Company C, Fiftieth New York Engineers, in which Mr. Hunt made oath to the following statement:

"On or about the 20th of January, 1864, he enlisted in Company F, Fifty-third Pennsylvania, and when being examined by Surgeon Moody the said Moody expressed the opinion that he was too young, whereupon Capt. Edward Ide, a recruiting officer, proposed taking him to the Fiftieth New York Engineers, which was done; that he was duly enlisted as a member *of Company C, Fiftieth New York Engineers, and served faithfully until honorably discharged.*"

Accompanying the petition was an affidavit of Jacob R. Bloom, of Scranton, Pa., in which he states: "I know Spencer D. Hunt, a claimant for pension under claim of Invalid No. 469472, Spencer D. Hunt, private Company C, Fiftieth Regiment New York Engineers; that I took said Spencer D. Hunt to Rappahannock Station in the latter part of April, A. D. 1864, and that I there delivered him to Lieutenant Manger, Company C, Fiftieth Regiment New York Engineers; that at that time I was authorized by the United States Government to employ men for service of said United States."

Also, an affidavit from Lee W. Putnam, of Audrain County, Mo., setting forth: "I was a member of Company H, Fiftieth Regiment New York Engineer Volunteers; that said Spencer D. Hunt was a member of Company C, regiment aforesaid; that I am able to swear to the foregoing from personal knowledge, having seen said claimant doing service as a member of Company C, regiment aforesaid, and wearing the uniform of the last-named company; I worked with him at different places laying pontoon bridges, he as a member of Company C and I as a member of Company H, regiment aforesaid."

Upon investigation of the facts in the case the following letter was addressed to Mr. Fairman:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
June 25, 1887.

SIR: In reply to your application of March 29, 1887, for amendment of record to show service of Spencer D. Hunt, in Company C, Fiftieth New York Engineers, I have the honor to inform you that after a thorough examination of all records, no evidence of the service of Hunt can be found.

The affiant, Lee W. Putnam served in the Fiftieth New York Engineers, from 1861 to 1865, but it is believed that this affiant is laboring under a misapprehension.

To further investigate the case it is desired that the claimant inform this office whether or not another man by the name of Hunt served in the same company with him, and if possible, to state the initials of such other person.

If he has no recollection of such other person serving in the same company, it is desired that he state whether or not he was ever known by any other name than Spencer D.

Very respectfully, your obedient servant,

H. CLAY WOOD,
Assistant Adjutant General.

CHARLES E. FAIRMAN,
Attorney, Washington, D. C.

Since which date frequent correspondence has been had in the case, without changing the status thereof, and in the absence of record evidence of enlistment, muster in, or service, it has been held by this Department that parol testimony can not be accepted to establish a record of service.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

To the honorable, the SECRETARY OF WAR.

PETITION OF SPENCER D. HUNT.

Your petitioner, Spencer D. Hunt, whose post-office address is Huntsville, in the county of Luzerne, and State of Pennsylvania, respectfully represents that he enlisted at Dallas village, Luzerne County, Pa., on or about January 20, 1864, as a recruit for Company F, Fifty-third Pennsylvania Volunteers.

That the enlistment officers decided to put him in the Fiftieth New York Engineers instead of Company F, Fifty-third Pennsylvania Volunteers, and that Captain Ide took him up to Scranton, Pa., and turned him over to Jacob R. Bloom, an officer of the U. S. Government at Scranton, Pa.; that said Bloom took him, in April, 1864, to Rappahannock Station, Va., where he was mustered in Company C, Fiftieth New York Engineers.

That he served faithfully in said company and regiment until on or about November 27, 1864, when he was discharged from the service on account of disability. That at the time of his discharge from military service he was less than sixteen years of age, and went to live with an uncle, and left his discharge and other papers at his uncle's home. That his uncle moved away to some place in the West, and that his discharge and other papers were in this manner lost, and he has been unable to recover the same.

That the Adjutant-General of the U. S. Army fails to find his name upon any of the rolls of Company C, Fiftieth New York Engineers, and although he has filed a great many affidavits of members of said organization who remember of his service in said company and regiment, the Adjutant-General refuses to correct the rolls so as to show his service as aforesaid, stating as a reason that he has no authority vested in him by law to make such correction as he has requested.

That your petitioner has filed the testimony of Jacob R. Bloom, the military officer who conducted him to Rappahannock Station, Va., where he was mustered into the U. S. service in Company C, Fiftieth New York Engineers; also the testimony of Sergeant Lee W. Putnam, Company H, Fiftieth New York Engineers; of Robert Watts, Eugene E. Wilson, Jerry Buttler, Lorenzo Allen, Sergeant John Sprang, Schuyler Beers, Lieut. J. M. Seabury, all of Company C, Fiftieth New York Engineers, and that all of the above witnesses testify from personal knowledge that your petitioner served in said organization.

Wherefore, your petitioner prays that the Secretary of War be directed to correct the files and records of his office so as to show his enlistment, service, and honorable discharge from said organization.

SPENCER D. HUNT. [SEAL.]

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

Be it known that on this 10th day of February, A. D. 1890, before me, a notary public residing in the city of Wilkes Barre and county and State aforesaid, personally appeared Spencer D. Hunt, the petitioner above mentioned, who I know to be the person he represents himself to be; and who, after being duly sworn according to law, says that the facts set forth in the foregoing petition are true and correct.

SPENCER D. HUNT.

Sworn and subscribed before me this 10th day of February, 1890.

[SEAL.] JAMES R. SCOUTON,
Notary Public.

GENERAL AFFIDAVIT.

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

In the matter of orig. pension of Spencer D. Hunt, late private in Co. C, 50th New York Engineers & Vol. No. 469,412 Inva.

On this 8th day of June, A. D. 1889, personally appeared before me, justice of the peace in and for the aforesaid county, duly authorized to administer oaths, Peter Culp, aged 46 years, a resident of Huntsville, in the county of Luzerne and State of Pennsylvania, whose post-office address is Huntsville, Luzerne Co., Pa., aged ——— years, a resident of ——— in the county of ——— and State of ———, whose post-office address is ———, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows: That he was a member of Co. F, 53d Regt. Penna. Vols., and that from about June 1st, 1863, to April 27th, 1864, he was duly empowered and authorized by the proper officers of the United States Army to solicit and receive inlistments and recruits for the United States Army. Deponent says also that during the above period the recruiting headquarters of Lieut. James Pattent and himself was located in Wilkes Barre, Luzerne Co., Pa., and that on the 20th day of January, 1864, we were soliciting at Dallas, Luzerne County, Pa., and that upon or about said day we received the enlistment of Spencer D. Hunt as a recruit in Co. F, 53d Penn. Vols. Said Hunt was examined by Surgeon H. P. Moody, pronounced sound, and was immediately so sworn in by U. S. Provost-Marshal Stephen Bradford. H. P. Moody said a short time afterwards that Spencer D. Hunt was rather too young for the infantry service, and he was then and there transferred to the 50th New York Engineers, under Edward Ide.

And further declare that I —— no interest in said case and —— not concerned in its prosecution.

PETER CULP.

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words ——— erased, and the words ——— added, and acquainted ——— with its contents before ——— executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant —— personally known to me, and that ——— credible person, and that such in par. first page and one and one-half lines on bottom of first page, inlined and supplied before signing.

[L. S.] SAMUEL BULFORD,
Justice of the Peace.

CITY OF SCRANTON, *Lackawanna County, State of Pennsylvania, ss:*

On the sixteenth day of April, A. D. 1884, before me, an alderman, in and for the city of Scranton in said county, came Jacob R. Bloom, who being duly sworn, according to law, deposeth and saith, that my post-office address is No. 1822, Church avenue, Scranton, Lackawanna County, Penna.; that I know S. D. Hunt, a claimant for pension under claim of "invalid No. 469472, Spencer D. Hunt, Co. pri. C, 50th Regt. N. Y. Eng."; that I took said Spencer D. Hunt to Rappahannock Station in the latter part of April, A. D. 1864, and that I there delivered him to Lieutenant Mauger, Co. C., 50th Regt. N. Y. Eng.; that at that time I was authorized by the U. S. Government to employ men for service of the said United States.

JACOB R. (his x mark) BLOOM.

Witness:
W. J. LEWIS.

Sworn and subscribed before me the day and year aforesaid.

G. W. MILLER, *ald.*

AFFIDAVIT.

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

In the matter of Spencer D. Hunt, pension claim 469472, late private Co. C, 50th N. Y. Engineers.

On this 5 day of June, A. D. 1889, personally appeared before me, a justice of the peace in and for the aforesaid county, duly authorized to administer oaths, Able I. Perigo, aged 45 years, a resident of Trucksville, in the county of Luzerne, State of Pennsylvania, whose post-office address is Trucksville, Luzerne Co., Pa., who, being duly sworn according to law, deposes and says in relation to aforesaid case as follows:

I was present at the time Spencer D. Hunt enlisted. He enlisted at Dallas village, now Dallas borough. I saw him sworn in; also I saw him examined by Dr. H. P. Moody and sworn in by Stephen Bradford, provost-marshal. Said Spencer D. Hunt enlisted to go into Co. F, 53 Pa. Vs. Dr. Moody said he was rather young to go into the infantry, so he was transferred to Edward Ide, who was recruiting for engineers and vols. I saw him turned over to Edward Ide. I was a member of Co. F, 53 Pa. Vs., and he enlisted to go in my Co. At the time of the above enlistment of Spencer D. Hunt the 53 Regiment was home on their veteran furlough; that is, Co. F was home. Also John Wilson, Frank Westover, Giles Harris, and Joseph Nulton enlisted at the same time. All were recruits on or about Jan. 20th, 1864; and affiant further declares that he has no interest in said case and is not concerned in its prosecution.

ABLE I. PERIGO.

STATE OF PENNSYLVANIA, *County of Luzerne:*

Sworn and subscribed to before me this day by the within-named affiant, and I certify that I read said affidavit to him and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution.

[L. S.]

SAMUEL BULFORD,
Justice of the Peace.

AFFIDAVIT.

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

In the matter of Spencer D. Hunt, pension claim 469472, late private Co. C, 50th N. Y. Engineers.

On this 5 day of June, A. D. 1889, personally appeared before me a justice of the peace in and for the aforesaid county, duly authorized to administer oaths, John S. Wilson, aged 43 years, a resident of Dallas, in the county of Luzerne, State of Pennsylvania, whose post-office address is Ketcham, Luzerne Co., Pa., who, being duly sworn according to law, deposes and says in relation to aforesaid case as follows:

I was present at the time Spencer D. Hunt enlisted at Dallas village; I saw him sworn in. Also I saw him examined by Dr. H. P. Moody, and sworn in by Stephen Bradford, provost-marshal. Spencer D. Hunt enlisted to go into the 53 Reg. of Pa. Vs., Co. F. Dr. Moody said he was too young to go into the infantry, so he was trans-

ferred to Edward Ide, who was recruiting for engineers & vols. I saw him turned over to Edward Ide. I was a member of Co. F, 53 Pa. Vs. He enlisted to go with my co. at the time of the above enlistment. Co. F was home on their veteran furlough; I enlisted with Spencer D. Hunt at that time, and affiant further declares that he has no interest in said case and is not concerned in its prosecution.

JOHN S. WILSON.

STATE OF [redacted]YLVANIA, *County of Luzerne:*

Sworn a[redacted]ubscribed to before me this day by the within-named affiant, and I certify that I read said affidavit to him and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution.

[L. S.]

SAMUEL BULFORD,
Justice of the Peace.

AFFIDAVIT.

STATE OF NEW YORK, *County of Chemung, ss:*

In the matter of claim, No. 469,472, of Spencer D. Hunt, Co. "C," 50th Regt. N. Y. Engineers Vols., on this 30th day of August, A. D. 1888, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, John P. Strang, aged 52 years, a resident of Willawanna, in the County of Bradford, State of Pennsylvania, whose post-office address is Willawanna, Pennsylvania, who, being duly sworn according to law, deposes and says in relation to aforesaid case as follows: That affiant has known Spencer D. Hunt since the 2nd day of May, 1864, and was a comrade with him in Co. "C," 50th Regt. N. Y. Engineers Vols. Affiant was 2nd sergeant of said company and regiment and remembers distinctly of the injury to above-named claimant received at Pinewoods Camp near City Point, Va., on or about the last of September or 1st October, 1864, while claimant was taking care of the quartermaster's horse, three cavalrymen, rode by and scared his horse, who wheeled around and kicked at the cavalrymen, and claimant was thrown over a pole backwards, which injured him so severely that he was unfit for duty and was sent to the regimental hospital, from which he was discharged from the service soon after; and affiant further declares that he has no interest in said case and is not concerned in its prosecution.

JOHN P. STRANG,
Late Sergt. Co. "C," 50th N. Y. E. Vols.

STATE OF NEW YORK, *County of Chemung:*

Sworn and subscribed to before me this day by the within named affiant, and I certify that I read said affidavit to him and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution.

[SEAL.]

A. B. GALATIAN,
Notary Public.

Certificate on file.

AFFIDAVIT.

STATE OF NEW YORK, *County of Chemung, ss:*

In the matter of claim for original pension of Spencer D. Hunt, late of Co. C, 50th Regt. N. Y. Vols., No. of claim 469472, on this 30th day of August, A. D. 1888, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Schuyler Beers, aged 46 years, a resident or Mitchells' Creek, in the county of Tioga, State of Pennsylvania, whose post-office address is Mitchell's Creek, Tioga County, Pa., who, being duly sworn according to law, deposes and says in relation to aforesaid case as follows: That he was a private in Co. C, 50th Regt. N. Y. Engineers and Vols. and well remembers Spencer D. Hunt, herein named as claimant, while in said service. Affiant further states that in about the latter part of September, 1864, in camp (Pinewoods camp) near City Point, Va., said claimant was injured in the small of his back by reason of a comrade's horse falling upon him and injuring his back so that he was obliged to go to the regimental hospital for treatment on account thereof. Said claimant never returned to the regiment again after he was injured as aforesaid, but, as affiant was informed, he was discharged from the hospital, and affiant further declares that he has no interest in said case and is not concerned in its prosecution.

SCHUYLER BEERS.

STATE OF NEW YORK, *County of Chemung:*

Sworn and subscribed before me this day by the within-named affiant, and I certify that I read said affidavit to him and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution.

[L. S.] A. B. G[illegible]IAN,
Notary Public.

Certif. on file.

AFFIDAVIT.

STATE OF NEW YORK, *County of Broome, ss:*

In the matter of Spencer D. Hunt, Co. C, 50th Regt., N. Y. Engineers and Vols., on this 30th day of August, A. D. 1868, personally appeared before me, a notary public, in and for the aforesaid county, duly authorized to administer oaths, J. M. Seabury, aged 48 years, a resident of Binghamton, in the county of Broome, State of New York, whose post-office address is Binghamton, N. Y., who, being duly sworn according to law, deposes and says in relation to aforesaid case as follows: That Spencer D. Hunt was a private of Co. C, 50th N. Y. S. Vol. Engineers, and as such was under his command. During portions of the year 1864, and to the best of deponent's knowledge and belief was with said Co. C up to the time deponent left said Company, and affiant further declares that he has no interest in said case and is not concerned in its prosecution.

J. M. SEABURY,
Lieut. Co. C, 50th N. Y. S. V. E.

STATE OF NEW YORK, *County of Chemung:*

Sworn and subscribed to before me this day by the within-named affiant, and I certify that I read said affidavit to him and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution.

[SEAL.] H. J. GAYLORD,
Notary Public.

BINGHAMTON, *Aug.* 30*th*, 1868.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2448.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 5537.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5537) for the relief of Warren Stamp, having had the same under consideration beg leave to submit the following report:

The committee adopt the House report on this bill, which covers all the facts in the case, and recommend the passage of the bill.

HOUSE REPORT.

The committee in making this report are controlled by the following reasons:

The records show that this soldier was enrolled on January 14, 1862, a private of Company I, One hundred and eleventh Pennsylvania Volunteers, to serve 3 years, and served with his command until he deserted on October 22, 1862, at Loudoun Heights, Va.

The records further show that the said Warren Stamp, under the name of John W. Thompson, was enrolled on February 26, 1864, a private in Company G, Second Ohio Cavalry Volunteers, to serve 3 years, and served faithfully with this organization until mustered out with it, September 11, 1865.

It has been made apparent to the committee that the cause of the desertion of the said Warren Stamp was the fact that, having struck an officer, he was under arrest, and that, fearing he would be court-martialed and dealt with severely, he left the regiment in which he had originally enlisted and entered the service under another name. The cause of striking the officer was that he was struck with a sword by the officer because of some alleged misconduct on his part.

It has been further made apparent that at the time of the enlistment of the said Warren Stamp he was only 15 years of age, and in consequence could hardly realize the penalties which would ensue to him by reason of his having deserted the service of his country.

Under date of April 25, 1889, the said Warren Stamp applied to the War Department for the removal of the charge of desertion against him. His request could not be complied with in consequence of the provisions of section 3 of the act of Congress approved March 2, 1889, which provides that if the desertion exceeds the period of 4 months before the second enlistment the charge of desertion can not be removed by the Department.

In view of the fact that the said Warren Stamp was so very young at the time of his desertion, and that he afterwards faithfully served in the Union Army until after the end of the war, to wit, September 11, 1865, the committee see no reason why the charge of desertion on the records of the War Department should not be removed and an honorable discharge issued to him.

The committee herewith append to this report a statement of facts submitted by the War Department bearing upon this case of the date of March 22, 1890.

Case of Warren Stamp, late private Company I, One hundred and eleventh Pennsylvania Volunteers, alias John W. Thompson, late private Company G, Second Ohio Cavalry Volunteers. (In violation of twenty-second, now fiftieth, Article of War.)

RECORD AND PENSION DIVISION, *March* 26, 1890.

Warren Stamp was enrolled on January 14, 1862, a private of Company I, One hundred and eleventh Pennsylvania Volunteers, to serve 3 years, and served with his command until he deserted on October 22, 1862, from Loudoun Heights, Va.

Under the name of John W. Thompson he was enrolled on February 26, 1864, a private in Company G, Second Ohio Cavalry Volunteers, to serve 3 years, and served faithfully with this organization until mustered out with it on September 11, 1865.

Warren Stamp, under date of April 25, 1889, applied for removal of the charge of desertion against him, and testified that the reason for his desertion was his fear of being arraigned before a court-martial, he being at the time of his desertion under arrest for having struck his superior officer, who had first struck him with his sword; that he was at the time of his enlistment only 15 years of age; he afterwards enlisted in Company G, Second Ohio Cavalry Volunteers, under the name of John W. Thompson.

His enlistment in the Second Ohio Cavalry Volunteers while a deserter from the One hundred and eleventh Pennsylvania Volunteers was in violation of the twenty-second, now fiftieth, Article of War; and as such absence in desertion before his subsequent enlistment exceeded the period of 4 months, the provisions of section 3, act of Congress approved March 2, 1889, prohibit favorable action on his application by the War Department, and his application was accordingly rejected.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2449

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 12643.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 12643) to remove the charge of desertion from the record of Michael Mahar, have had the same under consideration, and submit the following report:

Your committee referred the bill to the Secretary of War, and received the following statement of the military history of said soldier:

Case of Michael Mahar, late private in Company D, Twenty-eighth Kentucky Volunteers.

RECORD AND PENSION DIVISION, *December* 23, 1890.

The official records show that this soldier (as Michael Mahar) was enrolled November 26, 1861, at Louisville, Ky., for three years; and that he deserted January 23, 1863, and returned on April 18, 1863. On or about April 27, 1863, he was arraigned before a general court-martial on the charge of desertion, but the nature of the findings can not be determined, as the order promulgating the sentence is not of record. It appears from the rolls, however that the soldier was sentenced to forfeit two months' pay, "per general court-martial order No. 18, headquarters United States forces, Clarksville, Tenn., dated April 27, 1863."

Subsequently he was present with his command until December 6, 1864, when he deserted at Nashville, Tenn. (the date is also given as December 12, 1864), and never returned, although his company was not mustered out until December 14, 1865.

The following is a synopsis of the testimony heretofore submitted to the Department in connection with application for removal of the charge of desertion, to wit:

Under date of January 16, 1880, the soldier (as Michael Mahar) testified that on December 12, 1864, his regiment being near Nashville, Tenn., he entered that city without leave, intending to return very soon, but was captured by the provost guard and sent to the guardhouse; that on the following day he was removed to the Zollicoffer house, for the purpose, as he was informed, of being sent to his regiment, but was held in confinement until December 24, 1864, when he was released, without instructions, transportation, money, rations, or any means by which he could reach his regiment, which had then left Nashville, for what place he does not know. That he was then only 16 years of age, without experience, and did not know how to obtain transportation; that as his time had expired he knew no better "and no other way" than to return to his friends in Louisville, Ky., and "remained there without muster out or discharge;" that his original offense—absence without leave—was condoned, or at least the charge was abandoned by his release from confinement without trial; that his term of service had already expired, and that he had rendered all and more than the service he had contracted for; that no charges were filed and no trial was had, whereby he might have defended himself or have vindicated his action in the premises.

Furthermore, the soldier claimed that when he entered the service he was but 13 years of age.

On February 21, 1880, the Department furnished the soldier a discharge certificate bearing date of December 12, 1864, by reason of desertion.

Since that date the status of the soldier has not been changed either by the introduction of new testimony or by recent legislation. (Act of Congress approved March 2, 1889.)

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

The evidence presented shows conclusively that this soldier was a minor 13 or 14 years old at the date of enlistment. The record shows that he served out his full time of 3 years, not counting the 2 months of his absence in 1863 during which time his pay was forfeited under court-martial sentence.

Upon proper proceedings by writ of habeas corpus he would have been discharged in December, 1864, then being only 16 or 17 years old. The evidence also shows that he was a very faithful, obedient soldier during his service.

In view of his extreme youth, his faithful service for nearly 3 years, not counting his absence without leave, and the reasonable probabilities of the correctness of his own statements, your committee believe that it is only just and right to remove the charge of desertion, and give said Mahar an honorable discharge as of the date of December 12, 1864, thus leaving the question of pay and compensation to the Executive Department to determine in accordance with the laws existing at that time, and under which the claims of all other soldiers have been adjusted.

The committee recommend an amendment to the bill, and as amended report the bill back and ask for its passage.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2450.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 5118.]

The Committee on Military Affairs, to whom was referred the bill (S. 5118) entitled "to amend an act to authorize the President to confer brevet rank on officers of the U. S. Army for gallant services in Indian campaigns," have had the same under consideration and report favorably, with a recommendation that the bill do pass.

The accompanying letter from the Secretary of War, embracing a letter from General Schofield, the commanding general of the Army, fully set forth the necessity of passing this bill and thus relieving the War Department from the embarrassment of administering the present law.

WAR DEPARTMENT,
Washington, D. C., February 24, 1891.

SIR: I have the honor to transmit herewith for the consideration of the Committee on Military Affairs, United States Senate, a copy of a letter from the Major-General commanding the Army, dated the 19th ultimo, recommending, for the reasons set forth therein, that the act of February 27, 1890 (pamphlet laws passed at the first session, Fifty-first Congress, p. 13), entitled "An act to authorize the President to confer brevet rank on officers of the U. S. Army for gallant services in Indian campaigns," be amended by substituting for the present section 2 the following, viz:

"SEC. 2. That such brevet commissions as may be issued under the provisions of this act shall bear date from the particular heroic act for which the officer is promoted."

I concur in the views expressed by General Schofield, and beg to say that the embarrassment of the Department in the administration of the present law is the principal reason for the delay in conferring brevets.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

HEADQUARTERS OF THE ARMY,
Washington D. C., January 19, 1891.

SIR: The act of Congress, approved February 27, 1890, entitled "An act to authorize the President to confer brevet rank on officers of the U. S. Army for gallant services in Indian campaigns," contains the provision—

"SEC. 2. That such brevet commissions as may be issued under the provisions of this act shall bear date only from the passage of this act: *Provided, however*, That the date of the particular heroic act for which the officer is promoted shall appear in his commission."

In the attempt to execute the statute this provision causes much embarrassment. If the brevet given for gallant service is made of the next higher grade to that held by the officer at the time the gallant service was rendered, in accordance with the time-honored custom, the effect would be in most cases to give the officer a new commission inferior either in grade or in date, or often in both, to the commission he then held. Such a new inferior commission could be esteemed of little value.

On the other hand, if it be attempted to make the commission of real value by giving it the next higher grade to that which the officer now holds, the grade would in many cases be much higher than what would be regarded, under military rules, as due reward for the special service rendered, as during the long period that has elapsed since some of these services were rendered, some of the officers have risen in rank two or three grades. Hence, an officer might, for example, be given the brevet of brigadier-general for the gallant services of a captain or major.

The purpose of the law was doubtless to enable the President to do at this late day precisely what might have been done, had such a law been in force, at the time the gallant service was rendered, viz, to give a brevet of the grade next above that which the officer held when he rendered that gallant service.

In order that this may be exactly accomplished it is respectfully suggested that the act of February 27, 1890, above cited, may be amended by substituting for the present section 2 the following, viz:

"SEC. 2. That such brevet commissions as may be issued under the provisions of this act shall bear date from the particular heroic act for which the officer is promoted."

Very respectfully,

J. M. SCHOFIELD,
Major-General Commanding.

The SECRETARY OF WAR.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2451.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 5112.]

The Committee on Military Affairs, to whom was referred the bill (S. 5112) correcting the muster roll of N. B. Gahagan, late of Company F, Second Tennessee Infantry Volunteers, find that N. B. Gahagan enlisted in Capt. David Fry's company, and while en route to join the regiment the company was attacked by Major Martin's command, of Confederate States Army, and said Gahagan with nineteen others were captured in Lee County, Va., March 22, 1862, and imprisoned in Confederate prison at Knoxville, Tenn., thence removed to Salisbury, N. C., and afterwards removed to Richmond, Va., where said N. B. Gahagan, of Company F, Second Tennessee Infantry, died, as shown by the records of Hospital No. 21 at Richmond on November 22, 1863, of typhoid pneumonia, aged 21 years.

Your committee recommend the passage of said bill.

CASE OF N. B. GAHAGAN.

The name of N. B. Gahagan has not been found on the rolls of Company F, Second Tennessee Infantry Volunteers.

On an official report of prisoners in confinement at Madison, Ga., made by the officer in charge of Federal prisoners at that place July 15, 1862, there appears the name of N. B. Gahagan, age 59, residence Madison County, N. C.

On a further report by the same officer dated November 16, 1862, the name Napoleon B. Gahagan, Madison County, N. C., appears under the following heading: "The following prisoners, placed under my charge on the 20th day of April last, by order of Maj. Gen. E. Kirby Smith, were presented as a portion of Captain Fry's command."

The name N. B. Gahagan also appears on an official report signed by John E. Toole, colonel and provost marshal (C. S. A.), dated Knoxville, Tenn., November 26, 1862, giving a list of prisoners confined at Madison, Ga., under charges as follows: "Stampeding and going towards the Federal army in Kentucky; as recruit for Capt. David Fry; of bridge-burning notoriety."

The name N. B. Gahagan also appears on a list of political prisoners in confinement at Salisbury, N. C., February 17, 1863, made by the officer in charge of the military prison at that place, as follows; "Residence, Madison County, Tenn.; occupation, farmer; arrested March 22, 1862; charges preferred, one of Fry's bridge-burners in East Tennessee."

The name Napoleon B. Gahagan also appears on a list made by one James W. Butler, a former prisoner at Salisbury, N. C., under the following heading: "Salisbury, N. C., March 24, 1863.—List of Capt. David Fry's United States recruits who were taken in Lee County, Va., March 22, 1862, while on their way under Captain Fry, to join their company and regiment, then stationed at Cumberland Ford, Ken-

tucky; said recruits are all from Green County, East Tennessee, and are now (March 24, 1863) incarcerated at Salisbury, N. C."

The following remarks also appear at the foot of said list: "Said men were all sworn into the service of the United States by Captain Fry when they enlisted to join Company F, Second Tennessee Regiment (Colonel Carter's regiment), and General Carter's brigade."

The name Napoleon B. Ganagan with the names of eight others, "privates, Second Tennessee," appears on an official report dated August 20, 1863, made by I. H. Carrington, a commissioner appointed by the Confederate authorities to examine prisoners under charges, of which the following is an extract:

"All the above appeared before me * * * and state that they were captured together in Lee County, Va., March 22, 1862. They are all citizens of Green County, Tenn., enlisted in Company F, Second Tennessee Infantry United States Volunteers, were captured in a fight in which Major Martin commanded on the Confederate side. The only force engaged on the Federal side was Company F, Second Tennessee. This company was on its march to join its regiment at Cumberland Ford. It had never been with the regiment. It had been organized and the captain commissioned. The captain was David Fry. He was taken at the same time and they don't know what became of him. These prisoners have been in confinement at Knoxville, Madison, Salisbury, and this prison. They state that the company was organized about 10 days before their capture; that they had not been uniformed, and that each man furnished his own arms and ammunition. The commission of which they speak was an authority from a Federal officer to their captain to raise a company. When captured the company numbered 47, of which 1 was killed, 20 taken prisoners including 4 wounded, and the remainder escaped. No other officer except the captain had been selected. The company first met in Green County about 100 miles from the scene of the capture. After meeting they marched immediately to Lee County and did not after commencing to march meet any enemy, burn a bridge, or destroy any property."

The commissioner also recommends in the same report that these prisoners be transferred to Libby prison and be exchanged as prisoners of war.

The records of Confederate States Military Prison at Richmond, Va., show N. B. Cahagan, private, Company F, Second Tennessee Infantry, confined there September 3, 1863, with remark: "Captured at Lee County, Va., March 22, 1863."

The records of Hospital No. 21, at Richmond, Va., show N. Gahagan, private, Company F, Second Tennessee, farmer, aged 21, admitted to said hospital November 13, 1863, and died there, November 21, 22, 1863, of febrile typhoid pneumonia.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

DECEMBER 10, 1890.

The SECRETARY OF WAR.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2452.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 11597.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 11597) for the relief of telegraph operators during the war of the rebellion, have examined the same and report:

The subject-matter of this bill has been before Congress for several years. It has been the avowed policy of the Government not to recognize as a part of the Army those persons who filled civilian positions.

In places of that character no stipulated term of service was agreed upon, and at any time it was optional with the persons interested whether they should continue to serve the Government or not. They were not subjected to military discipline and ordinarily they were not put in places of danger to life and limb. And, furthermore, they were usually paid more for corresponding grades as a compensation for the absence of the right to pension, etc. But the case of the telegraph operators is somewhat different. Their services were important and valuable. Wherever headquarters were established the telegraph operators were always stationed. The construction of the telegraph lines often involved danger, and the committee is of opinion that a slight departure from the policy of the Government in not recognizing civilian employés of the Army is justified in this case.

The bill in its amended form meets with the approval of the commanding general of the Army. It simply provides that a certificate of service shall be given, and particularly provides that no pay or allowances shall be available to the persons covered by the bill. The accompanying letter is made a part of the report.

The committee recommend that the bill pass.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 14, 1890.

DEAR GENERAL HAWLEY: Referring to Senate bill 1000, "For the relief of telegraph operators during the war," there is no question, in my judgment, that the persons engaged in the military telegraph service during the late war deserve recognition for the bravery, fidelity, and skill with which they discharged their duties, and that they should at least receive a certificate of recognition and honorable discharge from the service. But it does not seem to me that "all persons engaged in the operation and construction of military telegraph lines" would be fairly entitled to the assimilated rank of "commissioned" officers. Some of them would doubtless be entitled to such rank, and a few of them to rank above the lowest commissioned grade. But the majority of operators *would probably rank as sergeants*, while many who were engaged

only in the "construction of military telegraph lines" might only be entitled to rank as privates.

The monthly pay would hardly be a just guide by which to determine the assimilated rank, for the reason, among others, that much higher pay is often expected by and given to civilians in the military service for the very reason that they have not the privileges and rewards which attach to military rank. There would, I think, be no objection to naming the assimilated rank in the certificate of discharge if it could be fairly ascertained. But, in view of the difficulty which must be encountered in any attempt to do this at this late day, it would probably be better for the members of the military telegraph department to be content with a certificate of honorable discharge, in which should be mentioned the grade of the service in which each was employed. The War Department could readily prepare a form of certificate which would contain all that can reasonably be desired, without attempting to determine relative rank.

Yours, very truly,

J. M. SCHOFIELD,
Major-General.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2453.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 6584.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6584) for the relief of certain enlisted men of the Ordnance Corps, U. S. Army, in the matter of claims for bounties, have had the same under careful consideration.

The bill has been supported by many letters and petitions, and a brief of the argument therefor. But the committee feel obliged to adopt as their own the following statement of the War Department:

The Ordnance Department was established by the act of May 14, 1812, but as at that time there were no regular arsenals in existence, and the two armories at Springfield and Harper's Ferry being under civil superintendence, the duties of the corps were merely perfunctory, and no enlisted men were required. At the close of the war of 1812, in placing the military establishment on a peace footing, and in the meantime the sites of some ten arsenals having been acquired by the act of February 8, 1815, (3 Stats., 203,) the national armories and arsenals of the country were placed under the control of the colonel of ordnance, with 43 subordinate officers *and as many enlisted men as the services of the Ordnance Department might demand.* By section 3 of that act the senior officer of that department was authorized to enlist for 5 years as many master armorers, master carriage-makers, master blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers as the public service might require, and by section 11 of that act the pay of master armorers, master carriage-makers and master blacksmiths was fixed at $30 per month and 1½ rations per day; that of armorers, carriage-makers, and blacksmiths at $16 per month and 1½ rations per day; the pay of artificers $13 per month and 1 ration per day, and of laborers $9 per month and 1 ration per day; "and to all the said workmen, artificers, and laborers the same clothing and other allowances as are allowed to privates of infantry in the Army of the United States."

From that time until the breaking out of the civil war enlisted men of the Ordnance Department were expressly enlisted as mechanics and laborers at arsenals and armories, and neither the $2 premium authorized by law for reënlistments nor any bounty or premium of whatever nature was allowed or paid them from the recruiting or any other fund. On the contrary, in 1850, on an application from the colonel of ordnance for authority to supply ordnance officers with recruiting funds for reënlistments, the Secretary (Mr. Conrad) declined to direct such payments upon the ground that such men were not entitled to bounties for reënlistment under the statutes then in force.

By the act of July 22, 1861, the President of the United States was authorized to raise *volunteers* of *cavalry*, *infantry*, and *artillery* to the number of 500,000, and to facilitate this object a bounty of $100 was provided; and by section 5, act of July 29, 1861, it was provided that the men enlisted in the *regular forces* after the first day of July, 1861, shall be entitled to the same bounties in every respect as those allowed, or to be allowed, to the men of the volunteer forces. Up to this time, and, in fact, for a year following, the status of enlisted men of the Ordnance Department had not been changed; but by act approved July 5, 1862, (12 Stats., 508,) the designation of

master workmen, master carriage-makers, master blacksmiths, was changed to sergeants, that of workmen, carriage-makers, blacksmiths, to corporals, and that of artificers and laborers to privates of the first and second class; and in this act (section 3) it was expressly provided that the pay, rations, and clothing now authorized by law to respective grades of enlisted ordnance men *shall not be changed.*

The question as to whether these men should be entitled to the bounties then authorized to soldiers of the regular establishment came up in July, 1863, when the chief of ordnance addressed the Secretary of War on the subject, calling attention to the act of February 8, 1815, which allowed to all of the said workmen, artificers and laborers the same clothing and *other allowances* as are allowed to privates of infantry in the Army of the United States, and claiming that if privates of infantry in the Army are entitled to receive premium and bounty for enlisting and reënlisting, that enlisted men of ordnance are entitled to the same. This question having been referred to the acting solicitor of the War Department, Mr. Chauncey Smith, he, under date of August 18, 1863, replied substantially as follows: That it had been decided in 1850 by Secretary Conrad that these men were not entitled to bounties for reënlistment under the statutes then in force; that he had examined the report upon which that opinion was founded, and though the force and effect of the language of the statute of 1815 does not appear to have been especially considered, yet he can not adopt the conclusion that the words "other allowances," as allowed to privates of infantry in the Army, gives them a right to all such bounties as might thereafter be offered to privates in the infantry, for the purpose of securing recruits.

Referring to the act of July 29, 1861, he inquires whether ordnance men are a part of the regular forces within the meaning of this act. He remarks that the said act provides for an increase of the Regular Army by the formation of new regiments of infantry, cavalry, and artillery, and concludes that it can apply only to those whose enlistment into the old regiments or the new ones created by the act, and not to men who did not enlist in the fighting forces. On this same paper Assistant Adjutant-General Townsend remarked that the law referred to by the chief of ordnance, namely, the act of February 8, 1815, was of course duly considered by Secretary Conrad; that the law approved July 5, 1862, by which the designation of enlisted men of the ordnance corps was changed from master workmen to sergeants, etc., expressly stated that the pay, etc., now authorized by law to enlisted men of the ordnance shall not be changed; that no other law applicable to the case has been passed since the decision of Secretary Conrad, and that General Order No. 190, from the War Department, (providing for bounty and premium to all men enlisting in the Regular Army for 5 years' service), has no reference to enlisted men of the Ordnance Department, inasmuch as in the opinion of the adjutant-general no law existed by which bounty could be allowed them.

The papers were submitted by Assistant Adjutant-General Hardie with remark:

"A decision in this matter is necessary at once. I recommend that the opinions of the adjutant-general and the solicitor be sustained. Although opposed by the opinion of the chief of ordnance, they are those which have heretofore obtained in the War Department and there is nothing in recent legislation to change them."

Beneath this appears the following indorsement:

"The decision of the solicitor of the War Department and the adjutant-general is approved.

"EDWIN M. STANTON,
"*Secretary of War.*"

In 1865, upon an application from two corporals of ordnance to be permitted to receive bounty, the then paymaster-general (General Brice), remarked:

"I know of nothing that should entitle the men referred to within to greater consideration in respect to bounty allowances than has been accorded to other ordnance soldiers. Corporals of ordnance receive from the Government, under existing law, pay equal to that of sergeants of the line, namely, $20 per month and 1½ rations per day; and the Secretary of War decided on the 7th of September, 1863, that men enlisted as ordnance soldiers are not entitled by existing laws to any bounty whatever. Under this decision ordnance soldiers have received no bounties, unless as transferred from the line of the Army they had acquired the right to bounty by full 2 years' continuous service in the line prior to transfer."

In an opinion dated March 17, 1879, the Second Comptroller of the Treasury (Upton) referring to this decision of Secretary Stanton, remarked:

"The ground upon which the decision and practice rests appears to be that the words 'men enlisted,' 'men enlisting,' 'soldiers,' as they occur in acts and orders relating to bounty included only soldiers belonging to *fighting branches* of the service, and therefore that ordnance men, as they were not enlisted to fight, but to perform service as *mechanics and laborers*, and were not expected to take part in the active *operations* of the war, were not entitled to bounty under said laws and orders."

From the foregoing it appears that the reason why bounty has been invariably refused enlisted ordnance men was occasioned from the fact that they were especially enlisted as mechanics and laborers and not to fight or to take part in the active operations of war, and that for such service as mechanics, artisans, and laborers they received a greater rate of pay than men of like grade in the infantry, cavalry, and artillery, and that the law expressly provided that such rates of pay should not be changed; that furthermore bounty was held out as an inducement to men to enlist and reënlist as soldiers and not as noncombatants, and that therefore this class of men who were expressly excepted from the obligation of fighting, should not be given bounty, which was a gratuity to soldiers, and not to mechanics, artisans and laborers.

The committee recommend that the bill be indefinitely postponed.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2454.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13528.]

The Committee on Pensions, to whom was referred the bill (H. R. 13528) granting a pension to Harriet N. Read, have examined the same and report:

The report on which this bill was passed by the House is concurred in, and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13528) granting a pension to Harriet N. Read, submit the following report:

Harriet N. Read served as a nurse from June, 1862, until September, 1863, at Lovell General Hospital, at Portsmouth, R. I., where she rendered good service. During her 16 months' service she worked very hard in aid of the sick, when her failing health compelled her to resign. The soldiers under her care testify their appreciation of her kindness while at the hospital.

Mrs. Read is now 68 years of age, in feeble health, without means, and is dependent on the generosity of friends for her maintenance.

In view of these facts the passage of the bill is recommended.

The bill is reported favorably, with a recommendation that it do pass.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2456.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 5213.]

The Committee on Pensions, to whom was referred the bill (H. R. 5213) granting a pension to Frederick Hart, have examined the same and report:

The report on which this bill was passed by the House is concurred in, and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5213) granting a pension to Frederick Hart, submit the following report:

The claimant enlisted October 13, 1862, and was discharged May 15, 1865, on surgeon's certificate of disability, Thos. H. Helsley, surgeon, who states in his certificate that an extensive exostosis tumor of right femur lower third, greatly impeding marching and free use of the limb, unfitting him for service in the Veteran Reserve Corps.

This disease has exisited all the time since the war and to the present time. He made application for a pension in 1876, and it was rejected upon the ground that this disability existed prior to his enlistment, but your committee believe this is based upon error, as the man served nearly three years in active service, making heavy marches and engaging in many battles. He claims his disabilities were received at the battle of Falling Waters, Maryland, and your committee believe, from the evidence on file with the claim, that such is the truth, and therefore recommend the passage of the bill.

The bill is reported favorably, with a recommendation that it do pass

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2457.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 1863.]

The Committee on Pensions, to whom was referred the bill (H. R. 1863) granting a pension to John Yost, have examined the same and report:

The report on which this bill was passed by the House is concurred in, and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1863) granting a pension to John Yost, submit the following report:

The claimant enlisted August 13, 1862, and served in Company I, Thirtieth Wisconsin Volunteers, and was mustered out with his company September 30, 1865. While on duty in Montana he suffered from mountain fever, diarrhea, rheumatism, and scurvy, and was confined in hospital at Fort Union. Of this hospital there seems to be no record in the office of the Surgeon-General, but the treatment of claimant is fully established by officers and comrades of his company, some of the latter being confined with him in said hospital; also by nurse attending him, who testifies that he was being treated for mountain fever. The testimony shows that the regimental surgeon attending him has since died. This sickness was in the spring of 1864, and is fully sustained by the records in the Adjutant-General's office, which show him present with regiment until February 29, 1864; absent during March and April, 1864; left at Nebraska City with sick men, and sick until June 30, 1864; rejoined company July 26, 1864, from absence with sick. The records in the Surgeon-General's office show that claimant was "admitted to post hospital, Louisville, Ky., September 5, 1865, with intermittent fever."

The sergeant of the company testifies to his sickness with mountain fever in Montana, and in hospital at Louisville, and says he was never well after his first sickness at Fort Union, and when with the company was only able for light duty.

Norman L. Burk, a comrade, swears that he knows of his sickness, and that he was in hospital in Montana, and that he believes he never fully recovered from the effects of the same during his term of service. He also testifies to his suffering from scurvy in March and April, 1865.

John McClose attended him as a nurse in the hospital in Montana and knows he never fully recovered.

Elisha J. Horton, a comrade, was sick in same hospital and corroborates the other witnesses as to this and later sicknesses in service.

It is fully established that claimant was a sound man at the time of enlistment, and six reputable men of his neighborhood testify to the fact that he returned home immediately after his discharge sick with chronic diarrhea, and that he has never recovered, and to his inability by reason of his physical condition to perform manual labor the testimony is uncontradicted.

The bill is reported favorably, with a recommendation that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2458.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 10465.]

The Committee on Pensions, to whom was referred the bill H. R. 10465 granting a pension to Margaret Durand, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10465) granting a pension to Margaret Durand, have had the same under consideration and adopt the following favorable report made by the Committee on Invalid Pensions on this bill in the Fiftieth Congress:

"The claimant herein was a nurse and matron of the General Hospital, Mound City, Ill., in 1861–'62, as appears by a certificate of the Surgeon-General and by the affidavits of Sister Athanasius and Sister M. Celesta, now residing at St. Mary's Academy, Notre Dame, South Bend, Ind. They testify, in a joint affidavit, in substance as follows:

"'We were attendant nurses at Mound City Hospital, near Cairo, in the State of Illinois, in the years 1861 and 1862; that Mrs. Margaret Durand, of South Bend, Ind., came as a nurse to said hospital in December, 1861, and attended as regular nurse of the soldiers sick and disabled in said hospital until the spring of 1862; that her health failed her at that time and she was sent home with the hope that she might recover and return, but that her health was not reëstablished and she was unable to return to the hospital.

"'We further certify that the said Margaret Durand is now in advanced age and deserving of a pension from the Government, and that we have no interest in her claim.'

"As stated, the claimant is in advanced age, and by her services among the sick and wounded in the hospital where she served she impaired her health to such an extent that she has never fully recovered. She is without adequate means of support and unable by reason of her age and impaired health to earn sufficient means of support, and it seems to the committee that the small amount asked for in the bill ought to be granted.

"We therefore submit a favorable report, and recommend the passage of the bill."

The bill is reported favorably with a recommendation that it do pass.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2459.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9111.]

The Committee on Pensions, to whom was referred the bill (H. R. 9111), granting a pension to Bridget Foley, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9111) granting a pension to Bridget Foley, submit the following report:

The claimant is the widow of Joseph F. Foley, who was a private in Company K, Fifth Michigan Cavalry. Her claim was rejected by the Pension Office on the ground that the disease of which the soldier died was not contracted in the service, but existed prior to his enlistment.

From the large proportion of rejections for this cause, it would appear that our Union forces must have been composed of a majority of invalids. In this, as in many other cases, the committee is compelled to differ with the conclusions of the Pension Bureau. There are twenty or more witnesses who testify to the prior soundness of the soldier. One says he was a hearty-looking fellow, full of vigor, fun, and life—never knew him to lose a day's work. All of these witnesses testify to their positive personal knowledge that up to the time of his enlistment he was healthy and capable of manual labor. There is no evidence to the contrary, except that contained in the certificate of discharge for disability, and in which the officer says he learns from a reliable source that he had rheumatism before he enlisted. To show how valueless is this statement, it is only necessary to refer to the developments of the special examination, in which Captain Clark, the officer who signed the discharge, testifies as to the basis of his statement. He made it on what some one told him—he can not say who, but he supposes he believed it at the time.

This, so far as the committee can see, is the sole ground for rejection.

After his discharge he continued to have rheumatism and lung trouble, and there is ample evidence to prove that he never had a well day afterwards; that he continued to grow worse. One witness says:

"I saw him in his last illness, took care of him, prepared his body for burial. He died of a complication of diseases—rheumatism, lung affection, general breaking down."

The reports of the special examiners, of which there are several, admit that the claim is meritorious, and recommend its admission.

It is a singular circumstance that, with the positive testimony of a score of respectable witnesses, the claimant is obliged to appeal to Congress for relief.

The bill is reported favorably with a recommendation that it do pass.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2460.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 4630.]

The Committee on Pensions, to whom was referred the bill (S. 4630) granting a pension to Michael Mulhare, have examined the same, and report:

The claimant, Michael Mulhare, who was a private in Company K, Seventeenth Veteran Wisconsin Infantry, made application for a pension June 26, 1880, alleging disease of eyes contracted at Vicksburg.

The War Department record shows that he was enrolled December 10, 1861, discharged July 14, 1865, and was on continuous duty during his term of enlistment.

As to his prior soundness, Michael Doran and Nicholas Cavanaugh, who say they knew him 27 years, testify that he was a sound, healthy man, free from disease of the eyes, and from all appearance of unsoundness of any description at the time of his enlistment. They saw him immediately after his discharge and return to his home, and he was sick and suffering from disease of eyes; that his sight was impaired; that he was diseased and broken. They know these statements to be true because they were his neighbors and were intimate with him. Nicholas Cavanaugh, one of the above affiants, and his son, reiterate this statement in 1885, and add that Mulhare had lived in the family 15 years.

John Ford, a member of claimant's company, swears that he knew him intimately; that he contracted disease of eyes during or about the month of August, 1863, at Vicksburg, in the line of his duty; that his eyes were inflamed and he had to wear goggles. The postmaster at Antigo, Wis., certifies that "John Ford is a man of truth." Michael Doran, of Appleton, Wis., writes a letter repeating the above facts and the postmaster certifies to his "truth and veracity."

Peter Feagan was acting quartermaster of claimant's regiment, and in 1883, makes affidavit that during the siege at Atlanta, claimant complained that he was nearly blind; that he had sunstroke at Vicksburg; that his eyes were so bad that he had to be detailed for duty at regimental headquarters till the time came for him to be discharged.

The service of this witness is verified by ther eport of the adjutant-general.

Dr. St. Sure, testifies as hospital steward and surgeon: Knew claimant, and treated him at regimental hospital at Vicksburg, for acute ophthalmia. He *treated him for 3 months*, especially for the left eye.

His disease of eyes became chronic. Dr. C. D. Davis, now dead, also treated him.

The adjutant-general's report certifies that Dr. St. Sure was present as hospital steward, but not as surgeon. He was appointed surgeon by the adjutant-general of Wisconsin, and assigned to the Twelfth Regiment. He acted as surgeon during the war, but was not so recognized by the War Department. He was a reputable man, and his testimony is reliable. Doctors Stanbury and Reiley of Appleton, testify to blindness of left eye.

Postmaster Reid, of Appleton, writes to Commissioner of Pensions, by his request, and says that from investigation he learns that Mulhare lost the sight of one eye in Government service, and says, "*those who ought to know think his claim is a just one.*"

In May, 1882, Dr. James T. Reeves, examining surgeon, reported cataract on left eye, total loss of sight, rate one-half total. Gives similar report in 1885.

In December, 1888, the medical board of surgeons at Green Bay made report that claimant had conjunctivitis; the capillary field is in both eyes occupied by a white opacity, beyond which nothing can be seen. All tests show this to be situated in the lenses, the one in left eye being denser and older. Vision is entirely lost in both eyes, and claimant requires the constant aid and attendance of a third person. He is, in the opinion of the board, entitled to a first grade rating, for total blindness in both eyes.

In May, 1890, he was again examined by the Green Bay medical board, who report the same conditions, sight extinct, and rate him second grade.

The board, meantime, had been changed. The medical testimony in this case is conclusive. All the witnesses who have testified are reliable, reputable persons. The claim has been before the Pension Bureau nearly 11 years, and not one word of adverse testimony has been procured. He has been receiving a pension at the rate of $8 per month since April, 1884, and becoming discouraged in consequence of the resistance to his claim for increase, he has appealed to Congress by petition, numerously and respectably signed, for relief.

In the opinion of the committee it is conclusively proven that his blindness is a result of his service. The allowance of the meager pension he now receives is conceded to be due by reason of the impairment of the sight of his left eye. In the report of the medical board of Green Bay, made in 1888, the condition of both eyes is described, and it is shown that the obstruction to sight in each is precisely similar and necessarily from the same cause, and it is assumed by the board to be total blindness and a result of his service. It is impossible to separate these diseased organs as to the causes that destroyed them. The disability was progressive, the opacity in the left eye was "denser and older," but it was effective to the destruction of sight in both. In the opinion of the committee his claim to the allowance due to total blindness is well established, and the bill is reported with an amendment, striking out all after the word "rate," in the eighth line and inserting, "fixed by law for soldiers who have lost the sight of both eyes;" and as so amended the bill is reported favorably with a recommendation that it do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2461.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R.9019.]

The Committee on Pensions, to whom was referred the bill (H. R. 9019) granting a pension to Emma Fulton, have examined the same, and report:

The report on which this bill was passed by the House is concurred in and is as follows;

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9019) granting a pension to Emma Fulton, submit the following report:

Claimant is the widow of George Fulton, late private Company C, Fifth Michigan Cavalry, with which he served nearly 3 years, and who died July 1, 1877. The soldier was pensioned for injuries received in action at the battle of Cedar Creek, Virginia, October 19, 1864. This injury was caused by his horse falling upon him, breaking three ribs and contusion of chest and left side, right knee, hip, and thigh. For these injuries he was discharged the service. The surgeon's certificate cites him as crippled and forever unfit for further service.

The soldier's death was caused in the following manner: While at work in the field, he being a farmer, his injured leg was fractured by an accident, but from the fact of the previous injury the bones had become weak, unhealthly, and diseased, and would not heal, and his leg was amputated, and from the debilitated condition, caused by his former injuries, as shown by the surgeons who attended him, death resulted. Of this there is ample and uncontradicted proof. The widow's claim was rejected upon the ground that the latter injury, breaking of his leg, was the cause of death. However, as it is so plain that this leg was very severely injured in the service and that the soldier never recovered the full use of it, it is very clear to the mind of your committee that his death was the result of the wounds for which he was pensioned.

The widow is poor and advanced in life, without means of support, and your committee believes it a very meritorious claim and recommends its passage.

The bill is reported favorably with a recommendation that it do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2462.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3070.]

The Committee on Pensions, to whom was referred the bill (H. R. 3070) granting a pension to Clara Fowler, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

Your committee have examined the evidence in the case of Clara Fowler, for whom a pension is provided in H. R. 3070, and find that she is the unmarried daughter of Francis A. Fowler, late a corporal of Company A, Seventh Regiment of Wisconsin Volunteer Infantry, now deceased; that she was on the pension-roll until she became 16 years of age; that she is totally blind and paralyzed and with impaired mind, and incapable of earning a living or caring for herself. Her mother remarried and is in dependent circumstances.

Your committee therefore recommend the passage of the bill.

The bill is reported favorably, with a recommendation that it do pass.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2463.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7910.]

The Committee on Pensions, to whom was referred the bill (H. R. 7910) granting a pension to John T. Ballard, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7910) granting a pension to John T. Ballard, submit the following report:

From the records of the War Department it appears that John T. Ballard served in Company F, Eighth Michigan Volunteers, from April 1, 1865, to September 22, 1865. These records furnish no evidence of any disability and the hospital records of the regiment are not on file in the War Department.

Mr. Ballard filed a claim in the Pension Office on August 30, 1876, based upon having contracted dysentery and indigestion while in the service near Pulaski, Tenn., about August 1, 1865.

His claim was specially examined and finally rejected by the Pension Office on the ground of no record evidence of the disability in the service and failure to show by reliable testimony that his disease originated in the service or existed at discharge, and all of this in face of the testimony of soldier's family physician, showing that he was sound at and before his enlistment; the testimony of the assistant surgeon of his regiment, a man of good reputation, showing treatment in service for dysentery of an obstinate character, which still existed at the time of discharge, and that of several comrades in arms to the same effect.

Continuance of said disability with indigestion from date of discharge to 1882 is fairly well shown, but the special examiner seemed to have had the habit of calling all testimony in favor of the claim as "biased in favor of claimant" and unreliable, and all such throwing doubts upon the case as "unbiased" and "reputable." It is claimed by the family physician that all of the Ballard family as they grew older were sufferers from liver disease, probably of hereditary character, yet neither he nor any of the other witnesses seen by the special examiner could testify that the soldier was a sufferer from such disease before or at his enlistment.

The assistant surgeon made his affidavit in 1876. Seven years thereafter a special examiner of the Pension Office called on him, and because he could no longer remember the man, yet admits the genuineness of his affidavit and signature, throws said testimony aside, upon the ground that he can not explain his affidavit.

Reading the testimony as a whole, and comparing it with the "summary," as made by the special examiner, would lead any intelligent person to believe that it was the special examiner and not the witnesses who were biased in the case.

Repeated medical examinations made between 1876 and 1882 revealed that Mr. Ballard was suffering from chronic gastric catarrh, and evidence filed since shows continuance of the disability.

Your committee are of the opinion that the evidence is sufficient to warrant favorable consideration of the accompanying bill, and therefore return the same with the recommendation that it do pass.

The bill is reported favorably, with a recommendation that it do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2464.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11064.]

The Committee on Pensions, to whom was referred the bill (H. R. 11064) granting a pension to Amanda E. Parkis, have examined the same and report:

The report on which this bill was passed by the House is concurred in and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11064) granting a pension to Amanda E. Parkis, submit the following report:

Claimant was the wife of Elias Parkis, private Company A, Eighth Michigan Infantry, and who died in 1863 during the siege of Fredricksburgh, Va., from disease and exposure. She was pensioned as the widow of this soldier until her marriage with one O. C. Goodrich, with whom she lived until the year 1877, and was then divorced from him on the grounds of extreme cruelty, since which time she has been dependent upon her own daily labor for her living. From the best information in possession of your committee it is clear that she has no means of support other than her daily labor, and is truly dependent upon others much of the time.

As it is customary to renew pensions of this nature, your committee recommend the passage of the bill.

The bill is reported favorably with a recommendation that it do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2465.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany H. R. 2099.]

The Committee on Naval Affairs, to whom was referred House bill No. 2099, have had the same under consideration and beg leave to submit the following report, which is herewith adopted and made a part of this report:

[House Report No. 3012, Fifty-first Congress, second session.]

The Committee on Naval Affairs, to whom was referred House bill 2099, beg leave to submit the following report, being the same as that adopted in the Fiftieth Congress:

John G. Rose enlisted in the Navy as a landsman at New York, September 25, 1861, for 3 years. He was subsequently rated as paymaster's steward on board the U. S. S. *Mercury*, and was transferred from that vessel as paymaster's steward to the U. S. receiving ship *Vermont*, at the naval station at Port Royal, S. C., in October, 1862. On the 11th of that month, upon recommendation of his commanding officer, he was appointed an acting master's mate on temporary service on board the *Vermont*.

Mr. Rose was appointed acting master's mate under authority of the second section of the act "to provide for a temporary increase of the Navy," approved July 24, 1861.

This rating of seamen as masters' mates was subject to the approval of the Department and was presumably bestowed as a mark of merit. Under order issued by the Navy Department, in accordance with the provisions of the act aforesaid, masters' mates whose terms of enlistment had expired would, to quote the language of the order, "upon their immediate reënlistment" have "the rating of master's mate considered as renewed." Mr. Rose offered his resignation as master's mate, but the same was not accepted, and he continued as master's mate until October 23, 1864, one month over his first term of enlistment. He was then honorably discharged. Mr. Rose did not consent to this discharge. He has claimed ever since that he was and is a master's mate in the U. S. Navy under the provisions of the act aforesaid. He has regularly reported for duty and has claimed all the rights and emoluments to which he would have been entitled were he in the service as an officer of his grade.

That he was a gallant and efficient sailor no one disputes. His record is highly creditable and shows him to have been active, brave, and patriotic in all naval engagements in which he took part and in all duties to which he was assigned.

Mr. Rose was discharged October 23, 1864. He reënlisted February 10, 1865. It will be noticed that the orders of the Navy Department stated that a master's mate reënlisting immediately should have his rating as master's mate renewed. If the few months that intervened between his discharge and reënlistment is not considered "immediately," as stated in the orders, and that Mr. Rose is wrong in his construction of the law on which the orders were based, it should be stated that Mr. Rose claims that before this last enlistment he was promised by the proper naval officers that if he would reënlist he would be rated as master's mate.

This was not done, and he served as seaman until January 30, 1868.

This bill gives Mr. Rose his rating on the record of master's mate and the difference in pay between master's mate and ordinary seaman for that period. Consider-

ing Mr. Rose's long service in the Navy, the fact that he served over his term acting as master's mate from September to October; that only about 3 months elapsed between his discharge in October and his reënlistment in February of the succeeding year, and the representations alleged to have been made to him, we think this bill a fair and equitable settlement of the claims of Mr. Rose. We therefore earnestly recommend that this bill do pass.

C. A. BOUTELLE.
H. A. HERBERT.
WM. ELLIOTT.
W. MCADOO.
H. W. RUSK.
WM. C. WALLACE.
J. P. DOLLIVER.

In view of the above your committee recommend the passage of the bill.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2466.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9545.]

The Committee on Pensions, to whom was referred the bill granting a pension to Washington Grigsby have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

Washington Grigsby is the father of Jefferson Grigsby, who enlisted in Company B, Twelfth Regiment U. S. Colored Infantry, July 31, 1863, and died of chronic diarrhea in hospital at Nashville, Tenn., February 5, 1865.

The soldier left surviving him a widow, who died in February, 1872, but no children. Because of this fact the father has no title under the general law, hence the rejection of his claim by the Pension Office.

Claimant never owned any property, and being now about 100 years old is utterly unable to earn a support, being maintained by the charity of his neighbors. Relief, if any, must come soon.

Your committee are of opinion that the bill should be passed without delay, and therefore return the same with a favorable recommendation.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2467.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8388.]

The Committee on Pensions, to whom was referred the bill granting a pension to Mrs. M. P. Felch, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

Amanda M. Felch, formerly Amanda M. Farnham, as appears from her sworn statement, served as a nurse with the Army of the Potomac from July, 1861, to May 1, 1865, part of the time with the Third Vermont, and the larger part of the time with the First Brigade, Vermont troops. She served in hospitals in front of Washington during winter of 1861 and 1862; went with the Army to the peninsular campaign, caring for the sick and wounded at Yorktown, Lee's Mill's, Williamsburgh, Gaines's Mills, Golding's Farm, and to Harrison's Landing, part of the time moving on foot with the troops.

She was assigned by Miss Dix to duty at Fredericksburgh, Va., after having served in hospitals at Antietem and Hagerstown. Claimant was allowed to furnish herself with a team, at her own expense, to carry supplies furnished by the Sanitary Commission. Claimant's services were long, arduous, and faithful, and for a considerable portion of the time without compensation. She is now over 55 years old and deserving. In the opinion of your committee there is no question that the service was rendered as stated and that the claimant is entitled to a pension, and we therefore recommend that the bill do pass, amended by striking out the words "twenty-five" in line 5 and inserting the word "twelve" instead.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2468.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 2297.]

The Committee on Pensions, to whom was referred the bill (H. R. 2297) granting a pension to Augustus W. Eaton, have examined the same and report:

The report of the House committee is adopted and the bill reported with favorable recommendation.

HOUSE REPORT.

The records of the War Department show that Mr. Eaton, the proposed beneficiary under this bill, served in Company H, Fourth Maine Volunteers, from October 14, 1861, to September 15, 1862, when he was discharged on a surgeon's certificate of disability by reason of "chronic diarrhea."

He filed a claim for pension in the Bureau of Pensions on June 22, 1880, alleging that while on the Mississippi River in March, April, and May, 1862, in a weak and debilitated condition from diarrhea he contracted rheumatism, from which he has never recovered; that when taken sick he was on board of the steamer *Judge Torrence*, of the Mississippi Flotilla, and the records of the War Department corroborate his allegation as to detail to said steamer, which detail occurred on February 18, 1862.

He alleges treatment while on board of said vessel on account of rheumatism, but the records of the Bureau of Medicine and Surgery of the Navy Department relating to that vessel prior to November 14, 1862, are unfortunately not on file.

In proof of his claim he filed with the Pension Office the testimony of six neighbors and also that of a physician, showing that he was a sound healthy man at and prior to his enlistment.

He also filed the testimony of two members of Massachsetts regiments, whom the records show to have been detailed like Mr. Eaton to the gunboat service, showing that Mr. Eaton suffered from chronic diarrhea and rheumatism while on said detached service, and one of them states that he met Mr. Eaton in hospital at Mound City, Ill., in the fall of 1862, and that he was compelled to use a cane when walking.

He further filed the testimony of five neighbors, showing that no his return home from the Army Mr. Eaton suffered from rheumatism, and for sometime was compelled to use a cane in walking, which disability continued ever since, and two of these witnesses also testified that beside the rheumatism he also suffered from chronic diarrhea. Dr. Drinkwater also testified that he remembered treating Mr. Eaton on his return home for diarrhea and rheumatism, which treatment continued for some time.

Mr. Eaton, however, stated to the Pension Bureau at one time that the chronic diarrhea ceased about a year after his return home from the Army, but he stated to the Belfast, Me., board of examining surgeons that he still had diarrhea four or five times a year, alternating with constipation, and the medical referee of the Pension Bureau decided that if his claim was legally allowed for diarrhea he was entitled to a rating therefore up to date of examination in June, 1883, beside the rating on account of rheumatism found by the examining board and for which that board allows him a rating of $6 per month.

The claim was rejected in the Pension Office on July 28, 1885, on the ground that it does not appear from the papers that pension is claimed on account of diarrhea, and the rejection of the claim on rheumatism was based upon the ground that there is no record of same and no medical evidence of its existence in service or at discharge.

Your committee believe that Mr. Eaton has a meritorious case on account of rheumatism as well as diarrhea, although the latter claim may be set aside on the ground that it had not been specifically alleged before the Pension Office, and are of the opinion that relief should be given to him at the hands of Congress for the disability arising from rheumatism, and recommend that the bill do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2469.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R 6048.]

The Committee on Pensions, to whom was referred the bill (H. R. 6048), granting a pension to Mary Robinson, have examined the same and report:

The report of the House committee is adopted and the bill reported with a favorable recommendation.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6048) granting a pension to Mary Robinson, submit the following report:

This is a widow's claim which was rejected by the Pension Department on the ground that the death of claimant's husband, Timothy Robinson, was not directly due to disease contracted in the service. It appears from the records that said Timothy Robinson enlisted in Company G, Twenty-eighth Maine Volunteers, September 10, 1862, and was mustered out August 3, 1863. Reënlisted February 9, 1865, in Twelfth Maine and served until March 3, 1866, when he was mustered out with his company. At the time of his death he was drawing a pension for "malarial poisoning and disease of kidneys, also affection of heart, result of malarial poisoning," as shown by certificate of Doctors Martin and Lapham, United States examining surgeons, of Augusta, Me., dated February 16, 1887. Dr. F. C. Perkins, of China, Me., who attended the soldier in his last sickness, in an affidavit dated June 26, 1889, says:

"I hereby certify that Timothy Robinson died January 17, 1889. The cause of his death was extravasation of blood into the substance of the brain, resulting in complete hemiplegia. * * * And judging from the condition in which I found him I have no doubt but what the hemorrhage was the result of the fatty degeneration of the vessels caused by malaria."

The following statement, signed by 14 members of J. P. Jones Post, No. 106, G. A. R., South China, Me., clearly sets forth the needs and claims of the claimant:

"Mrs. Robinson is a lady nearly 74 years of age, almost entirely destitute of any means of support, her health very poor, and broken down constitution. She is unable to do but very little work of any kind. We consider her claim for a pension surpassed by few, considering her age and means of support, and taking into account that a husband, three sons, and four brothers went to the front, all as volunteers, and four of this number fell in battle.

"We saw Mr. Robinson once or twice each day during his sickness, and know that he suffered very much from his army troubles, which were a kidney trouble and malarial poisoning, for which he was pensioned. Although in his last days of life he was stricken with paralysis, yet we are of opinion that the direct cause of his death was his army troubles, and as there was no examination after death we think the widow's claim should never have been rejected because paralysis was among the list of ailments in his last moments."

In view of the evidence submitted, the committee are of the opinion that the claim is a just one, and recommend that the bill do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2470.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6809.]

The Committee on Pensions, to whom was referred the bill (H. R. 6809) granting a pension to Nancy M. Gross, have examined the same and report:

The report of the House Committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6809) granting a pension to Nancy M. Gross, submit the following report:

The claimant, Mrs. Nancy M. Gross, asks that a pension may be granted her in consideration of her services as nurse in the war of the rebellion. The claimant states that she enlisted as a nurse at Bangor, Me., June, 1861, under the name of Nancy M. Atwood; was assigned to the Sixth Regiment Maine Volunteers; accompanied said regiment to Portland, Me., and from thence about the 17th of July, 1861, to Washington; thence to Chain Bridge, Md. October 10 was transferred to the Second Maine Regiment, then at Hall's Hill, Va.

Late in the spring of 1862 she was transferred to Washington, D. C., and then detailed by Miss Dix for work on the peninsula, around Yorktown, Va., but was obliged to resign on account of illness, and returned to Maine in the summer of 1862. In 1864 she was a nurse in the Gymnasium Hospital at Bangor, Me. Her husband, Stover P. Gross, late sergeant of the Second Maine, is a pensioner for wounds received at Malvern Hill in 1862, and is unable, with his increasing infirmities, to support himself and dependent family, and in the near future will require the constant attention of his wife.

H. P. Crowell, of Bangor, Me., late sergeant in Second Maine, certifies:

"I have been acquainted with Mrs. Nancy M. Gross, formerly Nancy M. Atwood, for 30 years. In the fall and winter of 1861–'62, she was hospital nurse in the Second Maine Regiment, and was highly respected by the officers and men, especially the sick to whom she rendered valuable aid, sparing no pains for their comfort and welfare."

Virgil P. Wardwell, first lieutenant Company E, Sixth Maine Volunteers, certifies:

"Nancy M. Atwood went out with us as a nurse. She was with the regiment all the time I was with them. I positively know that she was held in the highest esteem by the officers and men as a woman, and as a nurse she was regarded as most excellent."

Charles W. Roberts, late colonel Second Regiment Maine Volunteers, certifies:

"I am personally acquainted with Mrs. Nancy M. Gross, formerly Mrs. Nancy M. Atwood. In the years 1861 and 1862 she did effective service as a nurse in my regiment, and was very highly esteemed by the officers and men of my command."

Hon. Hannibal Hamlin states as follows:

"I have no personal knowledge of the services of Mrs. Gross, but my acquaintance with her enables me to know she is an excellent and worthy woman, and I cordially recommend her as worthy of a pension."

In view of the evidence submitted, the committee is of the opinion that the claim is a just one and recommend that the bill do pass, amended, however, by adding *after the word* "sixty-two," in line 8, the words "and pay her a pension at the rate *of twelve dollars* per month."

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2471.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3766.]

The Committee on Pensions, to whom was referred the bill (H. R. 3766) granting a pension to Joseph Dascomb, have examined the same and report:

The facts are fully set forth in the report of the House committee, which your committee adopt as their own, and report the bill favorably.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3766) granting a pension to Joseph Dascomb, submit the following report:

The claimant is the father of Charles B. Dascomb, who enlisted in Company D, Fourth New Hampshire Volunteers, August 12, 1862, was mustered out of service August 24, 1865, and died May 19, 1874. The mother of the soldier applied for pension in 1883, and died in March, 1885. The father's application has been rejected because, in the opinion of the medical referee, the soldier's death-cause, scrofulous sores, is not satisfactorily connected with the service.

It is shown by the record that the soldier was under treatment for malarial fever from July 4, 1864, to December 2 of said year, for erythema in February, 1865, and for congestion of lungs from March 6 to July 24, 1865.

The case was specially examined to determine the general merits of the same, in particular with respect to the soldier's death-cause. Dependence has been clearly established by the evidence obtained. Lay evidence only is obtainable with reference to soldiers' condition from discharge to death, and its immediate cause, by reason of the death of the attending physician. The special examination was very thorough, and in submitting his report the examiner says:

"The lay evidence would appear to establish the fact that the soldier returned from the service sick, and continued to grow worse until his death, in May, 1874. Witnesses are all reliable. I think the case is one of merit, and that, giving the claimant the benefit of any doubts that may exist, it should be admitted."

Notwithstanding the favorable recommendation of the special examiner, the medical referee objected to the allowance of the claim because of the absence of the medical evidence heretofore referred to.

Your committee, however, concur in the conclusion reached by the special examiner, and report favorably on the accompanying bill and recommend its passage.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2472.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6217.]

The Committee on Pensions, to whom was referred the bill (H. R. 6217) granting a pension to Abbie A. Colson, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6217) granting a pension to Abbie A. Colson, submit the following report:

Abbie A. Colson is the insane sister of John L. Colson, who enlisted December 30, 1861, in the Third Battery, Maine Artillery, was discharged therefrom June 17, 1865, and died of disease contracted in the service, October 21, 1868, leaving no wife or minor children surviving him. The mother of the soldier received a pension on account of his death and dependence upon him, which she drew until her death in April, 1885. The father of the soldier is also dead.

The proposed beneficiary applied for pension, but her claim has been rejected by the Pension Office, because she had passed the pensionable age at time of her mother's death. She is shown to have no property of any kind, and no income except $2 per month State pension, and is taken care of by a widowed sister, who is compelled to earn her own support by manual labor.

The case comes clearly within the well-established rules of Congress, and your committee, therefore, report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "regiment," in line 7, and inserting therein instead the word "battery."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2473.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13042.]

The Committee on Pensions, to whom was referred the bill (H. R. 13042) granting a pension to Manuel Tibbs, have examined the same and report:

The report of the House committee is adopted and the bill reported with a favorable recommendation.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13042) granting a pension to Manuel Tibbs, submit the following report:

The claimant was a slave living near Fredericksburgh, Va., and in the spring of 1863 became a teamster in the Quartermaster's Department, Army of the Potomac. He makes affidavit, as does one Robert Coleman, that he was compelled to enter the service as teamster at that time; that the department had not the necessary teamsters, and soldiers were detailed as teamsters, and that many negroes were then taken and put to work as teamsters to relieve the soldiers. While in the Quartermaster's Department in that same year he was ordered to assist in confining a vicious mule, and while so doing was kicked in the forehead, from which kick he became and is totally blind.

He applied for a pension in the Pension Office, and while there was no doubt that he had contracted the injury in the manner aforesaid, his claim was rejected because he was not an enlisted man.

Your committee, however, believe that in view of his compulsory service and the gravity of the injury he sustained that he is entitled to some measure of relief, and recommend the bill do pass, amended, however, by adding "and pay him a pension at the rate of twelve dollars per month."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2474.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 10771.]

The Committee on Pensions, to whom was referred the bill (H. R. 10771) granting a pension to Robert A. Ware, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 10771) granting a pension to Robert A Ware, have considered the same and report as follows:

The claimant served as first lieutenant in Capt. J. A. Urquhart's company of Georgia Volunteers, known as the "Columbus Guards," from May 9, 1836, till June 20, 1836, and as first lieutenant and adjutant to Major Horney's battalion from June 21, 1836, to September 2, 1836, in the Florida Indian war.

Hon. Thomas W. Grimes, M. C., certifies as follows:

"I am personally acquainted with Robert A. Ware, and have known him well from my early childhood. He is feeble and very old, being, I should judge, over 80 years of age. Aside from this, he is totally blind in one eye and so nearly so in the other as to be barely able to distinguish an object coming between him and the light."

Mr. Grimes further states that the claimant is in needy circumstances.

The passage of this bill, with an amendment fixing rate of pension at $25, is recommended.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2475.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13344.]

The Committee on Pensions, to whom was referred the bill (H. R. 13344) to increase the pension of William A. Peck, have examined the same and report:

The report of the House committee is adopted and the bill reported with a favorable recommendation.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13344) increasing the pension of William A. Peck, have considered the same and report as follows:

The claimant was a private in Company H, Third New York Volunteer Infantry, and served from May 19, 1861, to May 21, 1863, when honorably discharged. While in said service the applicant incurred a rupture of the right groin by severe marching, and he is now receiving a pension at the rate of $8 per month on account of that disability.

Mr. Peck is now physically a wreck from the rupture and from paralysis agitans.

Amos O'Brink, a comrade of the pensioner, testifies that he (the applicant), in addition to incurring the hernia in the service, contracted a disease of the spine and nervous system, from heavy marches and carrying weighty accouterments. This witness further testifies that the claimant's condition has gradually grown worse since discharged until now he is entirely helpless.

The applicant's condition is further shown by an affidavit of Dr. A. W. Post, who gave it as his opinion that the paralysis agitans (as well as the rupture) is due to the service.

The foregoing facts are all shown in the papers on file at the Pension Office, but that Bureau has not regarded the evidence as sufficient to warrant the allowance of the claim on account of paralysis agitans.

Accompanying the bill is the following additional testimony:

In relation to the relief of William A. Peck, late private in Company H, Third Regiment New York Infantry, by special act of Congress.

STATE OF NEW YORK, *County of Tioga, ss:*

George P. Cady, M. D., being duly sworn, says in regard to the above-mentioned matter, that he is a member of the board of United States pension examiners situated at Owego, Tioga County, N. Y., and that he is acquainted with William A. Peck, late private in Company H, Third Regiment New York Infantry, and with his circumstances, and with the circumstances surrounding this case; that the said William A. Peck is in the following physical condition: That he is afflicted with locomotor ataxia in its later stages: that he is entirely unable to care for himself in any way, and requires the constant aid of an attendant.

That the said William A. Peck is destitute and without any means of support, except the pension he *draws under certificate No.* 365506, which is totally inadequate

to support him in his present condition; that it is the opinion of this affiant, as a physician, that the condition in which the said William A. Peck now is is the result of an injury which he received while in the service of the United States, but that, owing to the difficulty of understanding anything that is said by the said William A. Peck, it is impossible to find the witnesses necessary to satisfy the Pension Department of that fact; that the said William A. Peck has living at the present time a father, 80 years of age, who is totally blind, and a mother, aged 83 years, and that his father and mother are just barely able to live with the aid of the pension given the mother as dependant mother of another son; that the said father and mother were the parents of three sons, two of whom died in the military service of the United States in the late rebellion, and the third is the said William A. Peck; that he has known the said William A. Peck for 30 years, and knows that before his condition became so bad as to render him totally helpless he was honest, industrious, and in every way a good citizen of the United States; that all people in this section of the country, knowing of the condition of affairs in this case, are desirous that Congress grant whatever relief is deemed just to the said William A Peck, and that this affiant personally urges upon the committee that this is a case deserving of their attention, and asks a favorable report to the House of Representatives.

GEO. P. CADY, M. D.,

OWEGO, N. Y., *January* 21, 1891.

Subscribed and sworn to before me this 21st day of January, 1891.

[SEAL.] J. S. GROSS,
Notary Public.

The erasures and changes from the plural to the singular number were made before swearing.

J. S. GROSS,
Notary Public.

In relation to the relief of William A. Peck, late private in Company H, Third Regiment New York Infantry Volunteers, by special act of Congress.

STATE OF NEW YORK, *County of Tioga, ss:*

William Smyth, being duly sworn, says that he is acquainted with the facts set forth in the affidavit of George P. Cady, M. D., and knows that the facts therein set forth are true, except as to the physical condition of the said William A. Peck, and he believes the statements of Dr. Cady in this respect are true; that he is postmaster at Owego, Tioga County, N. Y., and is acquainted with the above-named affiant, and knows that he is as he represents himself to be, and that his statements are entitled to the utmost credit.

WM. SMYTH, *Postmaster.*

Sworn to and subscribed before me this 23d day of January, 1891.

[SEAL.] W. G. SMYTH,
Notary Public.

The claimant's present condition of utter helplessness appears to have been of comparatively recent development, but the history of the case is such that it may reasonably be presumed to be the result of his 2 years of arduous service during the late war.

Your committee therefore, in view of all the facts, return the bill with the recommendation that it do pass with an amendment to fix the rate of pension at $30 per month.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2476.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7477.]

The Committee on Pensions, to whom was referred the bill (H. R. 7477) granting a pension to Mrs. Hannah M. Foss, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7477) granting a pension to Mrs. Hannah M. Foss, submit the following report:

Mrs. Hannah M. Foss is the mother of Nathaniel A. Foss, late a private in the Fourth Maine Battery Volunteers.

It appears from the report of the adjutant-general that said Foss enlisted and was enrolled at Skowhegan, Me., December 7, 1861, to serve 3 years or during the war, and died January 3, 1863, at United States hospital, Frederick, Md., from disease incurred in the service.

Said Foss left a widow, who was granted and drew a pension for about 2 years, when she remarried and the pension was stopped, as said soldier left no children.

Mrs. Foss sent four other sons into the Army, only one of whom draws a pension. She is now 80 years of age, feeble, unable to walk or perform any labor, without means of support, and dependent upon charity or the contributions of others for the necessities of life.

Your committee believe this to be a justly deserving case and recommend the passage of the bill with the following amendment:

Add after the word "Maine" in line 6 the words "mother of Nathaniel A. Foss, late of Fourth Maine Battery, and pay her a pension at the rate of twelve dollars per month."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2477.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11857.]

The Committee on Pensions, to whom was referred the bill (H. R. 11857) granting a pension to Collin McClelland, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 11857) granting a pension to Collin McClelland, have considered the same and beg leave to submit the following report:

The records of the War Department show that Collin McClelland enlisted June 27, 1818, at Greenbush, N. Y., in Company G, Second United States Infantry, and was discharged at Sacket's Harbor, N. Y., March 29, 1823. He reënlisted on the same day (March 29, 1823) in the same company and was discharged at Fort Howard, Mich., January 1, 1828, by reason of reënlistment. He reënlisted in the same company January 1, 1828, and was discharged at Fort Niagara, N. Y., September 7, 1829. On several muster rolls of the company Mr. McClelland is reported sick.

In his petition, which accompanies the bill, Mr. McClelland gives many incidents of his long service; much of the time he, with his company, was engaged in the Indian campaigns of that period, and in guarding the frontier towns from the attacks of the Indians. He states that now he is in the ninety-first year of his age, and that he has no means of support aside from his manual labor, and that he is dependent upon his relations.

J. W. Begole, George H. Durand, and a number of other citizens of Flint, Genesee County, Mich., petition Congress to grant the relief prayed for, and urge prompt action on account of the great age and needs of the applicant.

Mr. McClelland made application to the Pension Bureau August 10, 1889, basing his claim upon a disease of the right side; but owing to the long time that has elapsed since his service he is unable to furnish the testimony required of him to show origin in line of duty.

In view of the applicant's long and faithful service, and his great age and necessities, your committee respectfully recommend the passage of the bill.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2478.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12679.]

The Committee on Pensions, to whom was referred the bill (H. R. 12679) to increase the pension of Francis A. Gaskill, Company K, Sixth New Jersey Volunteer Infantry, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12679) granting an increase of pension to Francis A. Gaskill, submit the following report:

Claimant is now pensioned at the rate of $36 per month for gunshot wound in right arm. Medical testimony of date November, 1890, shows claimant to be of good habits, in destitute circumstances, and that the right arm is entirely useless, and that the disability is fully as great as the loss of arm at the shoulder.

Your committee therefore recommend the passage of the bill.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2479.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 10485.]

The Committee on Pensions, to whom was referred the bill (H. R. 10485) for the relief of Cynthia H. Quackenbush, have examined the same and report:

The report of the House Committee is adopted and the bill reported favorably.

HOUSE REPORT.

The claimant, who is now about 63 years old and in very limited circumstances, pecuniarily, is the widow of the distinguished naval officer whose record is reported as follows:

RECORD OF SERVICE OF S. P. QUACKENBUSH, LATE REAR-ADMIRAL U. S. NAVY.

S. P. Quackenbush was appointed acting midshipman February 15, 1840. April 18, 1840, ordered to the receiving ship at New York. September 26, 1840, ordered to the *Boston;* August 8, 1843, detached and granted 3 months' leave. October 18, 1843, ordered to the *Raritan;* January 10, 1845, detached from the prize brig *Porpoise* and granted 3 months' leave.

September 6, 1845, ordered to the Naval School to report October 10, 1845. July 13, 1846, detached from the Naval School. August 5, 1846, warranted a passed midshipman from the 11th July, 1846. October 14, 1846, ordered to the *Albany;* transferred to the *Supply;* December 9, 1848, detached from the *Supply* and granted 3 months' leave. April 21, 1849, ordered to the *Legare* Coast Survey. November 23, 1849, detached and placed on waiting orders.

December 5, 1849, ordered to the Coast Survey; May 15, 1850, detached and ordered to the mail steamer *Pacific;* April 26, 1851, detached and placed on waiting orders.

June 25, 1851, ordered to duty on Coast Survey; October 8, 1851, detached and ordered to the mail steamer *Illinois;* April 5, 1852, detached and ordered to the *Perry;* April 24, 1854, detached and placed on waiting orders. Warranted as master from the 1st of March, 1855.

Commissioned a lieutenant from September 14, 1855. November 12, 1855, ordered to the *Potomac;* April 12, 1856, transferred to the *Wabash;* February 18, 1858, detached and granted 3 months' leave; August 24, 1858, ordered to the receiving ship at Philadelphia; June 14, 1859, detached and ordered to the *Congress.*

October 22, 1861, detached from the *Congress* and ordered to proceed to Washington and report to the Department. November 12, 1861, ordered to special duty at New York, and then to command the *Delaware.* Commissioned a lieutenant-commander from July 16, 1862. September 8, 1862, detached from the command of the *Delaware* and ordered to command the *Unadilla.* August 29, 1863, detached and granted 1 month's leave. October 26, 1862, ordered to command the *Pequot.* October 31, 1861, detached and placed on waiting orders.

December 9, 1864, ordered to the South Atlantic blockading squadron. Detached March 1, 1865. March 27, 1865, ordered to command the *Mongo.* July 12, 1865, detached and placed on waiting orders.

December 18, 1865, temporary command of the *Algonquin*. January 17, 1866, detached and placed on waiting orders.

February 3, 1866, ordered to command the *Conemaugh;* commissioned a commander from July 25, 1866; July 24, 1867, detached from the command of the *Conemaugh* and placed on waiting orders.

August 21, 1867, ordered to equipment duty at the navy-yard, Norfolk, Va.; May 22, 1869, also inspector of materials and supplies delivered at the yard; September 22, 1870, detached and ordered to temporary ordnance duty at the navy-yard, Norfolk, Va.; November 21, 1870, detached and ordered to command the *Pawnee;* February 8, 1871, detached and placed on waiting orders.

April 28, 1871, inspector of supplies, navy-yard, Norfolk, Va.; December 21, 1871, detached and placed on waiting orders.

Commissioned a captain from July 25, 1871; January 3, 1872, ordered to command the *Terror:* detached January 25, 1873, and placed on waiting orders.

August 16, 1873, ordered to the receiving ship *New Hampshire;* August 14, 1875, detached and placed on waiting orders.

Commissioned a commodore from March 13, 1880; December 15, 1880, ordered to command the navy-yard, Pensacola, 15th of January, 1881; May 12, 1882, detached and placed on waiting orders.

Commissioned a rear-admiral from the 28th July, 1884.

Placed on retired list from the 23d January, 1885.

Died at Washington, D. C., on the 4th February, 1890.

FRED RAMSAY,
Chief of Bureau.

After the death of Admiral Quackenbush the claimant was allowed a pension at the rate of $30 per month under the general pension laws, but this and her other small resources are inadequate to her support. She is in bad health and unable to do any work for a living.

There are many precedents for the proposed legislation, and your committee therefore return the bill with a favorable recommendation.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2480.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13643.]

The Committee on Pensions, to whom was referred the bill (H. R. 13643) granting a pension to Charles W. Gray have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13643) granting a pension to George W. Gray, submit the following report:

George W. Gray enlisted in Company H, First Regiment Massachusetts Volunteers, May 22, 1861. At the battle of Bull Run, July 18, 1861, he received a severe shell wound of right thigh and loins, was taken prisoner and held as such until January 17, 1862, during which time he was in hospital awaiting recovery from said wounds. They were, however, only partially healed when paroled, and on December 29, 1862, he was discharged on surgeon's certificate of disability by reason of these wounds.

Gray is now in receipt of pension for the wounds at $30 per month, the highest rate allowable under the general law, unless he becomes so totally disabled as to require the regular aid and attendance of another person. Wounds are described as follows:

"(1) Over outer aspect of right thigh from trochanter downwards, 12 inches in length, with average width of 2 inches.

"(2) Nearly circular scar 1 inch in diameter, about 2 inches to right of spine and 2½ inches below crest of ilium.

"(3) On left side of sacrum 2½ inches diameter, irregular in outline. All these scars are deeply depressed, adherent, and tender. The missile fractured the right femur, removed portions of the great trochanter, injured the superior spinous process of both right and left ilium, destroyed the overlying muscles and tissues, and affected the subjacent nerves, blood vessels, etc., by the resulting inflammation and suppuration. There is now a marked sensitive condition over left kidney and left lumbar and inguinal regions. Urine high red, acid, albumen about 30 per cent. by measure; deposit copious; on microscopic examination shows numerous blood and pus corpuscles, oxalate of lime crystals, numerous fleshy shreds, and a few structureless casts. Hydrocele contains about 2 ounces of fluid. Right inguinal hernia, size of large walnut. Light varicose veins of right leg. Considerable tenderness of lumbar and gluteal muscles, with inability to stoop or rise without help. The right arm and hand are affected by paralysis agitans. He is permanently disabled by the wounds and effects, and should be rated at least second grade therefor."

This is the statement of the examining surgeons.

Not only disqualified for the performance of any manual labor, the pensioner suffers intensely, is confined to his bed most of the time and as heretofore stated can not stoop or even rise from his bed without the aid of another person.

It is evident from the certificate of the board of examining surgeons that, would the law permit, a rate higher than $30 per month, could be given or would be more commensurate with the degree of the existing disability.

Your committee believe that some relief should be afforded this unfortunate defender of his country and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the words "seventy-two" in line 7, and insert therein instead *the word "fifty,"*

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2481.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 10953.]

The Committee on Pensions, to whom was referred the bill (H. R. 10953) granting a pension to Lettie E. Covell Buckley, late a nurse in the war of the rebellion, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10953) granting a pension to Lettie E. Covell Buckley, late a nurse in the war of the rebellion, submit the following report:

The proposed beneficiary served as hospital nurse principally at Memphis, Tenn., from September 18, 1862, until May 31, 1865. Her services were very valuable and are highly commended by the surgeons under whom she served, as well as a large number of soldiers who have presented their testimonials to your committee.

While in the service she contracted smallpox and pneumonia, from the effects of which, and by reason of the mental and physical strain from long and continuous exertion in behalf of the sick and wounded, her health became impaired and has never been fully restored.

Mrs. Buckley is well advanced in years, without income from any source, and physically unfitted for earning adequate support. She therefore asks that she be placed upon the pension roll, which request, in the opinion of your committee, should be granted.

The bill is therefore returned with the recommendation that it do pass; amended, however, by striking out the words "twenty-five" in line four, and insert therein instead the word "twelve."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2482.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13652.]

The Committee on Pensions, to whom was referred the bill (H. R. 13652) granting a pension to Johanna Carroll, have examined the same and report:

The report of the House Committee is adopted and the bill reported with a favorable recommendation.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13652) granting a pension to Johanna Carroll, submit the following report:

The beneficiary is the daughter of Cornelius Carroll, late a private in Company K, Twelfth Illinois Volunteers. The soldier was killed at the close of the battle of Pittsburgh Landing, and he died leaving no widow surviving him. The claimant is now 40 years of age and has been from childhood a helpless cripple from a disease of the hip and spine to such an extent that she is barely able, with the assistance of crutches, to move about, and from the nature and long standing of the disease such disability will without doubt continue during her life.

No person is now drawing any pension on the account of said soldier, and the claimant is without means of support and dependent on others.

Your committee would therefore recommend the passage of the bill with an amendment striking out the word "eighteen," in line 7, and inserting in place thereof the word "twelve."

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2483.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13577.]

The Committee on Pensions, to whom was referred "An act granting a pension to Kate and Ethel B. Cook," have examined the same, and report their concurrence with the House committee's report, herewith appended, with their approval of the bill and recommendation that it do pass.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13577) granting a pension to Kate Cook, submit the following report:

The beneficiary, Kate Cook, is the widow of George T. Cook, late lieutenant, Company C, Twenty-first Regiment New York Infantry, and lieutenant and acting quartermaster Veteran Reserve Corps, and lieutenant Sixth United States Infantry.

He enlisted May 12, 1861, and was mustered in as corporal in Company C, Twenty-first Regiment New York Volunteers, May 20, 1861; was made lieutenant August 30, 1862; was mustered out with his regiment, reëntered the service and was made first lieutenant of the Twenty-fourth Regiment Veteran Reserve Corps January 9, 1862.

He was wounded in action, and his death was the result of his service. He died leaving surviving him his widow and Ethel B. Cook, his minor child, 3 years of age.

The soldier was drawing a pension at the time of his death. The beneficiary is in very delicate health and in needy circumstances. The soldier died February 1, 1871. The beneficiary has never applied for a pension.

In view of the needy circumstances of the widow and of the military record of the soldier, the committee would depart from the usual practice, and would recommend the passage of a bill giving her the pension of the widow of a first lieutenant.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2484.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12051.]

The Committee on Pensions, to whom was referred the bill granting a pension to Margaret Hitt, have examined the same and report:

The claimant is the widow of John Hitt, who served as a private in Company D, Second Regiment Ohio Volunteers, Mexican war, and she is now a pensioner at $8 per month under the Mexican war service pension act of January 29, 1887.

She is now advanced in years, very poor, and in great need of the increase asked for. These facts are vouched for by the gentleman who introduced the bill in the House.

It has been made to appear to your committee that she has dependant upon her for support an invalid daughter and five young grandchildren. The passage of the bill is recommended.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2485.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13688.]

The Committee on Pensions, to whom was referred "An act to pension John B. Angell, father of James C. Angell, alias John McShier, late of Company G, Fifth Pennsylvania Cavalry," have examined the same, and report their concurrence in the report of the House committee, herewith appended, and their recommendation that the bill do pass.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13688) to pension John B. Angell, father of James C. Angell, of Company G, Fifth Pennsylvania Cavalry, submit the following report:

The proposed beneficiary is the father of James C. Angell, alias John McShier, who served as private of Company G, Fifth Pennsylvania Cavalry, from August 10, 1861, to August 7, 1865, when mustered out of service.

The father's claim for pension has been rejected on the ground that the evidence fails to show that the soldier's death was the result of his military service.

It appears in evidence that soldier at date of his discharge was entirely broken down with rheumatism and chronic diarrhea, and when he reached the home of a relative near White Haven, Pa., he was so weak as to compel him to stay there for a few days. Having rested himself he started for his father's place, about 50 miles distant. He never reached there; but about a month after his discharge a letter was received by the father from that relative that the soldier had died on the road.

This letter was burned up with the contents of claimant's house, and the relative, and others who knew of the soldier's serious illness and death have since died. It is therefore impossible for the claimant to procure the evidence required by the Pension Office. The case has, however, been specially investigated, in particular with reference to a rumor that soldier after leaving the house of his relative near White Haven, had been murdered for his money. The most thorough investigation failed to trace such rumor to any reliable source, but rather strengthened the presumption that soldier fell by the wayside from exhaustion, as was claimed by his relatives at the time.

The special examiner, in submitting the case for admission says:

"The testimony taken, and that which is reliable, shows that the soldier was in a very weak and debilitated condition at the time that he was at David Dean's house; that he was a mere skeleton from the effects of chronic diarrhea and rheumatism incurred in service. He was still suffering from those diseases when last seen. In the absence of proof to the contrary, the presumption is that he died of those ailments, and in that belief, and as the claimant is extremely old and feeble, I think the claim should be settled on the testimony already in, etc.

Claimant had four sons in the army during the late war. He is now 95 years of age, and dependent upon the charity of his children. The mother of the soldier died in 1852.

Your committee are of opinion that the soldier died from disease contracted during his 4 years of service, and that his dependent condition entitles the claimant to a pension.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2486.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R 4047.]

The Committee on Pensions, to whom was referred "An act granting an increase of pension to Rebecca P. Nields," have examined the same, and report their agreement with the report of the House committee in the case, which is adopted, with a recommendation that the bill do pass.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 4047) granting an increase of pension to Rebecca P. Nields, have considered the same and report:

The claimant's late husband, Lieut. Commander Henry C. Nields, U. S. Navy, was appointed mate in the Navy February 11, 1863; promoted to master November 4, 1864, on recommendation of Admiral Farragut, for gallant conduct at the battle of Mobile. Promoted to lieutenant December 18, 1868, and to lieutenant-commander July 1, 1870. He died December 13, 1880, of disease contracted in the service and line of duty. His wife (the beneficiary under this bill) and six children survived him, and a pension was granted the widow at $30 per month, with $2 per month additional for each of the six children, all of them being under 16 years of age at the time of Commander Nields's death. Three of these children are still under 16 years of age and but one (a daughter) is over 20.

Mr. Darlington, a Representative in Congress from the State of Pennsylvania, knows the claimant personally, and states that she has no income except her pension and what she can earn as a clerk in a county office. She is not worth over $2,500, which is invested in a home, which is mortgaged for half its value. She has no other property, and she has five children depending upon her for support and education.

The services of claimant's husband were of a high order, and his record is without a blemish. The various histories of the fight at Mobile Bay, the record of Nields in the Navy Department, and the letters of Admiral Farragut all show that Lieutenant-Commander Nields's services during the late war were exceptionally gallant and meritorious.

There are precedents for the proposed legislation, one of them being the case of the widow of Lieut. Commander Benjamin L. Edes, who was granted a pension of $50 per month by special act passed at the second session of the Forty-ninth Congress.

Your committee, after a review of the facts, report the bill back with the recommendation that it do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2487.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 5109.]

The Committee on Pensions, to whom was referred the bill granting a pension to Georgie Ann Porter, have examined the same and report, recommending the passage of the bill with the following amendment: Amend by striking out of line 8 after the word "thousand" the words "five hundred."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2488.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. DAVIS (for Mr. BLODGETT), from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13587.]

The Committee on Pensions, to whom was referred the bill granting a pension to Ellis P. Phipps, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill recommended.

HOUSE REPORT:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13587) granting an increase of pension to Ellis P. Phipps, submit the following report:

Ellis P. Phipps was enrolled September 1, 1862, in Company A, Twelfth New Jersey Volunteers, as first lieutenant. He was discharged September 29, 1864. He was wounded in left arm May 12, 1864, at Spottsylvania, Va. He was pensioned for said wound and for inguinal hernia, which has been increased until now he receives $36 per month.

His condition is shown by report of medical examination: "Arm covered with numerous scars; integument around elbow joint is red and inflamed; now discharging pus from two sinuses leading to necrosed bone; 1¼ inches radius has been removed; end of radius is prominent and pushes out the inflamed skin below elbow; motion of proximal and of radius can be plainly seen when forearm is rotated; a portion of external condyle of humerus is also gone; joint firmly anchylosed at an angle somewhat more obtuse than a right angle; hand carried in a sling; totally disabled for purposes of manual labor. Rate $36."

He also has right inguinal hernia, requiring wearing of suspensory bandages to prevent protruding into scrotum, and causing much trouble, suffering and inconvenience. From these disabilities he is constantly incurring expense for medical attendance and appliances, which reduce the assistance in his support of his pension. He has filed a large amount of evidence showing his helplessness and the attentions of others necessary almost to the requirements of the law granting $72.

Your committee recommend that the bill do pass, amended to read forty-five instead of seventy-two.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2489.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 25, 1891.—Ordered to be printed.

Mr. DAVIS, for Mr. BLODGETT, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 1186.]

The Committee on Pensions, to whom was referred the bill granting a pension to John O. Mathis, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted and the passage of the bill recommended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1186) granting a pension to John O. Mathis, submit the following report:

The application of the claimant for a pension was rejected by the Pension Office November 21, 1885, for the reason that there was no record of the War Department showing that he had suffered from rheumatism while in the service, and his "inability to furnish competent testimony" showing that the same was contracted in the service.

The claimant enlisted in the service August 17, 1861, and was discharged at the expiration of his term of service, August 20, 1864. During these 3 years the claimant was twice in hospital and once (at the battle of Gaines' Mills, Va.) was taken prisoner, remaining a prisoner from June 27, 1862, to August 5, 1862. He claims that at the battle of Gettysburgh, by reason of the exposure he suffered there he contracted rheumatism.

Dr. P. K. Hilliard, his family physician, testifies that after claimant returned from the Army, and during 1865, he treated claimant for rheumatism. This treatment continued until March, 1866, when claimant left his neighborhood.

Dr. M. W. Reeves testifies to treating claimant for sciatica or neuralgia, and believes his disability results from exposure in the service. He further testifies to the present existence of the disability.

Franklin Adams, Joseph P. Adams, Caleb W. Auren, Israel A. Craumer, and John H. Austin, neighbors and acquaintances of the claimant, testify to his good health before entering the Army, and his disability on his return and since. These men are well known in their community, and like the claimant, are of high personal standing. We think established beyond question, by the testimony in the case, the fact that he was sound when he entered the service and was disabled when he left it. Because of the death of comrades and the failure of recollection of surgeons, who were treating daily in the field hundreds of men, he can not prove the exact origin of the disability, save by his own oath, he ought not to be debarred from the benefit of our pension laws. We recommend that the bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2490.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. DAVIS (for Mr. BLODGETT), from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13108.]

The Committee on Pensions, to whom was referred the bill granting a pension to Carrie F. Ogden and Susan Ogden, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill recommended.

[House Report No. 3794, Fifty-first Congress, second session.]

The subjects of this report are the dependent sisters of Richard P. Ogden, who served as a sergeant in Company F, Fifth New Jersey Infantry, and whose service is a matter of record in the War Department, a copy of which is hereby appended and made a part of this report. It shows he was a most excellent and brave man, and true patriot, many times wounded. He died September 27, 1878, never having married, and never having made a claim for a pension, although it is very clear that his death was hastened by the wounds received in battle.

It is clearly shown that the soldier supported his two sisters, both before his enlistment and during the same, and up to the time of his death. These two sisters were cripples, from some cause, from their early youth, and the soldier did not marry on that account, as he felt it his duty to devote all his energies to their support, which, owing to the disabilities received in battle was not large. Since his death the two sisters have been supported by public charity, being inmates of a public institution at the present time, and it is proposed by this bill to grant a pension to one of them, which your committee believe to be an act of justice long delayed.

Your committee therefore recommend the passage of the bill and submit the following evidence, and ask that the same may be made a part of this report, and recommend that the sum of $12 per month be granted these sisters, and that in case of the death of either of these sisters, the full sum shall be paid the survivors.

WAR DEPARTMENT,
Washington City, February 5, 1891.

SIR: In compliance with the request of the Hon. C. A. Bergen for the military record of Richard P. Ogden, late of Company F, Fifth Regiment New Jersey Infantry Volunteers, for use in connection with H. R. 13108, this session, for the relief of his sister, Carrie F. Ogden, I have the honor to inclose herewith a report from the officer in charge of the record and pension division of this Department, which embraces the information called for.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

Hon. E. N. MORRILL,
Chairman Committee on Invalid Pensions, House of Representatives.

Case of Richard P. Ogden, late of the Fifth New Jersey Infantry Volunteers.

The records show that Richard P. Ogden was enrolled August 22, 1861, at Trenton, N. J., to serve 3 years, and was mustered into service as a private in Company F, Fifth New Jersey Infantry Volunteers, August 22, 1861.

The muster rolls of the company from enrollment to April 30, 1862, report him present. Roll for May and June, 1862, report him present, with remark, "wounded in the engagement of June 1, 1862." He was appointed corporal, August 1, 1862, and sergeant, November 1, 1862. Roll for July and August, 1862, reports him present, and he is so reported on subsequent rolls to June 30, 1863. Roll for July and August, 1863, reports him "absent, wounded since July 2, 1863." Rolls from September and October, 1863, to March and April, 1864, inclusive, report him present. Roll for May and June, 1864, reports him "absent, wounded since May 5, 1864." Roll for July and August, 1864, is not on file. He was mustered out with the company at Trenton, N. J., September 7, 1864, as a sergeant, with remark, "wounded in action, Fair Oaks, Va., June 1, 1862; wounded in action at Gettysburgh, Pa., July 2, 1863, returned to duty; wounded May 5, 1864, in action at Wilderness, Va."

The medical records report him as follows: Wounded, slight, June 1, 1862; admitted to general hospital, Newark, N. J., August 27, 1862, with diarrhea, returned to duty September 4, 1862; admitted to hospital at Gettysburgh, Pa., July 3, 1863, (after the battle, July 1–3, 1863), with gunshot-wound of shoulder, and transferred July 8, 1863; admitted to Satterlee general hospital, West Philadelphia, Pa., July 10, 1863, with gunshot wound, and returned to duty October 28, 1863; again admitted November 6, 1863, with "old wound," and returned to duty December 4, 1863; again admitted February 17, 1864, with bronchitis, and returned to duty February 19, 1864; wounded in leg severely May 5, 1864, also wounded in left thigh, severe, May 5, 1864, admitted to Douglas general hospital, Washington, D. C., May 11, 1864, with gunshot flesh wound, left knee, wounded at the battle of the Wilderness, May, 5, 1864, transferred June 20, 1864; admitted to general hospital, Chester, Pa., June 20, 1864, with gunshot flesh wound, right temporal region, wounded at Petersburg, June 16, 1864 (evidently an erroneously entry on the record), transferred July 20, 1864; admitted to Ward general hospital Newark, N. J., July 21, 1864, with gunshot wound, left knee, wounded at the Wilderness, May, 5, 1864, and transferred to Trenton August 23, 1864, to be mustered out of service.

No further record has been found.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

RECORD AND PENSION DIVISION, *February* 5, 1891.

The SECRETARY OF WAR.

STATE OF NEW JERSEY, *County of Cumberland ss.*

In the matter of Susan, sister Richard P. Ogden, F, 5 N. J., for pension.

Personally came before me, a , in and for aforesaid county and State, Eleazar S. Bateman and Ethan Duffield, who, being duly sworn, declares each in relation to aforesaid case as follows: That he well knows said Susan Ogden; that she is the child of John F. Ogden and Lydia Ogden; that her parents were married on or about the day of , 1836, and said Susan was born on or about the 5th day of Dec., 1840, at near Cedarville, N. J., in State of N. J.; that deponent knew said parents from on or about the year 1830, during all of which time until decease they lived together as husband and wife, and were universally recognized as such, and that they recognized said Susan as their child from her birth until their decease; that said soldier was born of said parents on or about the 15th day of Sept., 1838, and that they recognized him as their child until his decease; and that said parents are both deceased; and that said soldier never married, and was the chief support of said sister prior to his enlistment, during his enlistment, and subsequent thereto to his decease, which occurred Sept. 27, 1878, at Cape May C. H., New Jersey; and his means of knowledge as to same are as follows: He is an old acquaintance and friend.

He further declares each that he has no interest in said case, is not concerned in its prosecution, and is not related to the applicant.

ELEAZAR S. BATEMAN, age 77 years,
Cedarville, N. J.

JAMES POWELL, age 68 years,
Cedarville, N. J.

ETHAN DUFFIELD, age 79 years,
Cedarville, N. J.

JAMES POWELL, age 68 years,
Cedarville, N. J.

Sworn to and subscribed before me this day; and I further certify I read said affidavit to said affiants before they executed the same, each; I am in nowise interested in said case; and said affiants are known to me to be credible persons each; both affiants were well acquainted in most every event that occurred from 1830.

Witness my hand and official seal this 23d day of December, A. D. 1890.

[SEAL.]

DAVID CLAYPOOLE,
Cedarville, N. J., Notary Public.

STATE OF NEW JERSEY, *County of Cumberland, ss:*

In the matter of Carrie F., dependent sister of Richard P. Ogden, "F," 5th N. J., for pension.

Personally came before me, a notary public in and for aforesaid county and State, Henry W. Bateman and John M. Crossley, who, being duly sworn, declares each in relation to aforesaid case as follows:

That they well knew said solder and his said sister, Carrie F.; that said soldier never married and left no widow or child surviving him; that prior to enlistment and during his enlistment, and subsequent thereto until his decease, he was the chief support of said sister, and during said period she had no property or other adequate means of support; and that after his decease, for want of his said support, she was compelled to go to the Cumberland County, N. J., almshouse, and is still maintained there because of her spinal disease from her childhood; and that said disease is of a permanent character and not the result of her own vicious habits; that she has suffered from said malady for 33 years and is now a worn out, debilitated woman, at times in a very helpless condition; that said Carrie F. Ogden is respected by her friends and that the people of this her native town are desirous that she may obtain pension as dependent sister of the said noble soldier Richard P. Ogden, and are united in the opinion that she is justly entitled to the same; and their means of knowledge as to the same are as follows: He is an old friend and acquaintance and familiar with their affairs.

He further declares each that he has no interest in said case, is not concerned in its prosecution, and is not related to the applicant.

HENRY W. BATEMAN, age 44 years,
Cedarville, N. J.

H. F. CONNER, age 40 years,
Cedarville, N. J.

JOHN M. CROSSLEY, age 51 years,
Cedarville, N. J.

FRED C. MAYHEW, age 17 years,
Cedarville, N. J.

Sworn to and subscribed before me this day; and I further certify I read said affidavit to said affiants before they executed the same, each; I am in nowise interested in said case; and said affiants are known to me to be credible persons each.

Witness my hand and official seal this 20th day of December, A. D. 1890.

[SEAL.]

DAVID CLAYPOOLE,
Cedarville, N. J., Notary Public.

STATE OF NEW JERSEY, *County of Cumberland, ss:*

In the matter of Susan, dependent sister of Richard P. Ogden, F, 5 N. J., for pension.

Personally came before me, a notary public in and for aforesaid county and State, Benjiman R. Ewan and Nathaniel Howell, who, being duly sworn, declares each in relation to aforesaid case as follows:

That we well knew said soldier and his said sister Susan; that said soldier never married, and left no widow or child surviving him; that prior to enlistment and during his enlistment and subsequent thereto until his decease, he was the chief support of said sister, and during said period she had no property or other adequate means of support, and that after his decease, for want of his said support, she was compelled to go to the Cumberland County, N. J., almshouse, and is still maintained there because of her spinal disease, epileptic seizures, from her childhood, and that said disease is of a permanent character and not the result of her own vicious habits. That she has suffered deeply from said disease the greater part of her life, and for months together is in a helpless bedridden condition, suffering in such form that life is a burden to her; that said Susan F. Ogden is a worthy woman, having the hearty

sympathy of her acquaintance, and that the people of her native town are a unit in the desire that she shall obtain pension, and express opinions that she is justly entitled to the same as dependent sister of the late soldier, Richard P. Ogden, who was respected and beloved by his comrades; and their means of knowledge as to same are as follows: They are old friends and acquaintance of said family and familiar with their affairs.

He further declares each that he has no interest in said case, is not concerned in its prosecution, and is not related to the applicant.

B. R. EWAN, age 53 years,
Cedarville, N. J.

B. E. STATHEM, age 27 years,
Cedarville, N. J.

NATHANIEL HOWELL, age 75 years,
Cedarville, N. J.

J. S. SHEPPARD, age 40 years,
Cedarville, N. J.

Sworn to and subscribed before me this day; and I further certify I read said affidavit to said affiants before they executed the same, each; I am in no wise interested in said case; and said affiants are known to me to be credible persons each.

Witness my hand and official seal this 20th day of December, A. D. 1890.

[SEAL.]

DAVID CLAYPOOLE,
Cedarville, N. J., Notary Public.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2491.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 949.]

The Committee on Military Affairs, to whom was recommitted the bill (H. R. 949) entitled "An act to amend section 4787 of the Revised Statutes of the United States," have reconsidered the same, and previous adverse action thereon in connection with sufficient evidence to warrant a favorable report on said bill, which is herewith submitted. The act proposed to be amended allows officers, soldiers, seamen, and marines so disabled during the late war in service as to require, since June 17, 1870, an artificial limb or apparatus for resection, a new limb or apparatus every *five* years. The bill proposes to allow such limb or apparatus every *three* years.

The committee are of the opinion that upon the showing made since the adverse report the bill ought to pass. It may be that the average life of an artificial limb is five years, but it seems to be likewise true that the average annual cost of repairs thereto, including the original cost thereof, amounts to $25.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2492.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, submitted the following

REPORT:

[To accompany S. 3087.]

The Committee on Claims, to whom was referred the bill (S. 3087) being "a bill for the relief of the legal representatives of Mrs. A. Shirley," having had the same under consideration beg to submit the following report:

This claim is for quartermaster's stores, amounting in value to $8,348.57, alleged to have been taken from a plantation near Vicksburg, Miss., in May, 1863, for the immediate use of the Army of the United States. The amount as stated was assessed by a military commission convened by order of the commanding general of the post of Vicksburg, Gen. James B. McPherson, as soon after the siege of Vicksburg as it could be consistently done. Such commission consisted of the following Army officers: Edwin S. McCook, colonel Thirty-first Regiment Illinois Infantry Volunteers; Robert P. Lealy, lieutenant-colonel Forty-fifth Illinois Infantry; George W. Kennard, major Twentieth Illinois Infantry; Lieut. Col. William T. Clark, assistant adjutant-general Seventeenth Army Corps, Department of Tennessee.

This commission after taking testimony, some of the members being actual witnesses to the taking of portions of the property, assessed the amount at $8,348.57. They say in their report that many of the articles taken were very necessary to the use of the Army at the time when taken and were so used by the Army. The property taken was at the time owned by and in the possession of the late husband of Mrs. Shirley, the claimant, James Shirley, deceased, whose family home was located a short distance outside of the outer works of the Confederate fortifications of Vicksburg, and it was from this home and plantation that the property involved was taken. Proofs of loyalty are abundantly shown. Mr. Shirley had a son in the Union Army, while Capt. James Shirley was himself shown to be one of the staunchest Union men in that section of the country up to the time of his death, which took place in August, 1863. The original claimant, Mrs. Shirley, died recently, leaving as sole heir, Mrs. Eaton, the present wife of General Eaton, late Commissioner of Education and now president of Marietta College, Ohio.

While there is no doubt whatever that the property taken and destroyed was of the full value as fixed by the military commission, it is clear that the greater portion of this claim and of the damage done is of that character that can not be allowed under the policy of the Government as a claim against the United States. The report of the commission is to the effect that the property taken for the immediate use of the Army and consisting of medicines, bedding, carriages, mules, horses, harness and *other articles was of* the value of $2,254.52, while the ba*lance of the claim seems to arise* out of damage done real estate,

library, maps, etc., lost, damaged, or destroyed, and a good portion which occurred through the fire of the enemy.

The proceedings of the military commission assessing the dama at $8,000 were approved by Major-General McPherson in the follow order:

HEADQTRS. 17 ARMY CORPS,
Vicksburg, Miss., Oct. 31, 186

Proceedings of the commission approved and respectively forwarded.

JAMES B. MCPHERSON,
Major-Genera

On April 4, 1864, Gen. W. T. Sherman, then major-general comma ing, withheld his approval in the following order:

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
Nashville, Tennessee, April 24, 186

I can not construe the U. S. to be in any manner bound for war damages made n essary to a public enemy. When courts are again established this paper will be g testimony in an action for damages against Jeff Davis and his coconspirators. matter what the private inconvenience, the party interested must await the rest tion of peace and law.

W. T. SHERMAN,
Major-General Commandin

Subsequently Lieut. Gen. U. S. Grant addressed the following co munication to the Secretary of War in relation to this claim:

TO SEC. WAR:

The loyalty of this claimant from the beginning of the rebellion to the present undoubted. I would therefore respectfully recommend that the sum of $2,254.52 property supposed to have been taken for the immediate use of the Army be paid that the finding of the commission to assess damages be regarded as a voucher the same—this to be without prejudice to the remainder of the claim should C gress authorize the payment of such damages.

U. S. GRANT,
Lieutenant Genera

On the reference of this communication to Judge-Advocate-Gene Holt, by order of the Secretary of War, that official on March 22, 18 made the following report:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
March 22, 186

Respectfully returned to the Sec. of War with the report that inasmuch a appears that the within claim of Adeline Shirley comes strictly within the purv of Circular No. 51 of 27 Nov. last, it is obvious that the Executive Department of Government, notwithstanding the fact that the claim presents peculiar merits, not legally make payment recommended by the Lieut. General. Congress alone the power to afford the claimant any relief in the premises.

I. HOLT,
Judge-Advocate-Genera

In view, therefore, of all the facts in the case as presented by t record and other testimony, your committee can not see their way cl to recommend the payment of any greater amount than $2,254.52.

Your committee therefore report back bill (S. 3087) with the follo ing amendments, and as so amended recommend its passage:

Amend by striking out in lines 5 and 6 the words "eight thousa three hundred and forty-eight dollars and seventy seven," and ins in lieu thereof the words "two thousand two hundred and fifty-f dollars and fifty-two."

Insert after the words "to pay to" in line four of the bill, the wo "the legal representatives of."

Change the title of the bill so as to read as follows: "A bill for t *relief of the* legal representatives of Mrs. Adeline Shirley."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2493.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, submitted the following

REPORT:

[To accompany S. 5119.]

The Committee on Claims, to whom was referred the bill (S. 143) for the relief of Mrs. Eliza A. Brownlow, beg leave to submit the following report:

The claimant is the widow and executrix of the late William G. Brownlow, deceased, late of Tennessee, and the claim is for the sum of $900, alleged to be due the estate for publishing certain legal monitions in Brownlow's Knoxville Whig, a newspaper published in Knoxville, Tenn., at various times from January 4 to December 14, 1864, amounting to $900. These monitions were published, as appears from the papers, under and in pursuance of orders of the circuit court of the United States for the eastern district of Tennessee. On an examination of the papers filed in the case, including a communication from the Treasury Department (First Auditor's Office) of date April 29, 1890, it appears that the claims as originally presented to the Government for allowance consisted not only of the one in favor of the estate of William G. Brownlow for $900, but also of one in favor of Brownlow & Hawes for advertising similar monitions in the same paper from July 22, 1865, to July 22, 1868, amounting to $915. A similar claim, also, is made by Brownlow, Hawes & Co., these parties respectively, at different times, being owners of the Knoxville Whig, a newspaper published at Knoxville, Tenn. Claim is now made to the committee that if any relief is given it should include all parties in interest, and your committee are of the same opinion.

By the evidence it is made quite plain to your committee that the services in publishing the monitions were rendered under the order of the court as claimed. Your committee, however, are not entirely satisfied that the claim is a proper charge against the Government, and, if so, that the amounts have not heretofore been paid. Your committee, however, believe that a case is presented which justifies a reference of the whole matter to the Department of Justice, with a view to an investigation and ultimate payment of any amounts to the parties named that may be found to be justly due and owing them on account of the claims referred to, in the event that the Attorney-General should, after examination, be of the opinion that they are proper legal or equitable claims against the United States. Your committee therefore report back Senate bill 143 with the recommendation that it be indefi-

nitely postponed, and as a substitute therefor recommend the passage of the following:

A BILL to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General be, and he is hereby, authorized and directed to investigate the claims of the legal representatives of W. G. Brownlow, Brownlow and Hawes, and Brownlow, Hawes and Company, late owners and proprietors, respectively, of the Knoxville Whig, a newspaper published at Knoxville, in the State of Tennessee, for advertising certain legal notices alleged to have been advertised in said paper in the years eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight, and to ascertain whether such services were rendered as claimed, or any part thereof, and if so, the value thereof, and also whether the same, and if so, to what extent, is either a legal or equitable claim against the United States, and if any sum is so found to be due and owing the claimants, or any of them, and the same is a legal or equitable claim against the United States, to certify such facts, together with the amount, to the Secretary of the Treasury, who is hereby authorized and directed to pay to such claimants, or their legal representatives, the full amount so ascertained out of any moneys in the Treasury not otherwise appropriated, and such sum or sums of money which may be thus found to be legally or equitably due shall, when paid, be in full satisfaction and discharge of all claims for compensation by said claimants, or any of them, for any such service against the United States, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2494.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate Resolution.]

The Committee on Printing, to whom was referred the resolution introduced by Mr. Cameron on the 2d day of December, 1890, in regard to the purchase of a site for the Government Printing Office, report as follows after full investigation presented by parties in interest.

The resolution referred to the committee is as follows:

Resolved, That the commission, consisting of the Secretary of the Treasury, the Public Printer, and the Architect of the Capitol, created by provision in the sundry civil appropriation act approved August 30, 1890, be directed to report to the Senate their doings under the authority conferred by said act, and particularly to state whether they have determined upon a location for the accommodation of the Government Printing Office contemplated by said act, and if so, whether the same is so located as to be available for use in connection with existing railroad facilities, and also with reference to the suggested and probable modification of those facilities in the near future; and also whether the location selected, if any, can be had at a comparatively reasonable price; whether it embraces the necessary area to meet present and prospective conditions, and also whether it is suitable in respect of the foundation necessary for the large structure and heavy machinery which will be made necessary to answer the needs of the Government Printing Office.

The inquiries proposed by the resolution were:

(1) Whether the commission referred to had determined upon a location for the accommodation of the Government Printing Office.

(2) Whether the location determined upon was available for use in connection with existing railroad facilities and with reference to suggested or probable modification of these facilities in the near future.

(3) Whether the location selected could be had at a comparatively reasonable price.

(4) Whether it embraces the necessary area to meet present and prospective conditions, and

(5) Whether it is suitable in respect to the foundation for large structures and heavy machinery.

The commission referred to was created under the provisions of the following sections in the sundry civil appropriation bill:

SEC. 2. That to provide accommodation for the Government Printing Office, and the construction of the needed storage and distributing warehouses in connection therewith, the Secretary of the Treasury, the Public Printer, and the Architect of the Capitol, acting as a board, be, and they are hereby, empowered and instructed to acquire, either by purchase or by condemnation proceedings, as hereinafter provided, the land necessary, in their opinion, for the purposes aforesaid, and for the purposes stated, the sum of two hundred and fifty thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That in the event it shall be necessary, in order to carry out the purpose of the foregoing section, for the board, as above constituted, to acquire land, said board is empowered and directed to acquire the same by negotiation, where any such land may and can be so acquired and title secured at a price not above a fair relative value as to other lands which have been sold in the immediate vicinity; or if the said board hereby created shall be unable to purchase said land by agreement with any one or more of the respective owners at a reasonable price within sixty days after the passage of this act they are authorized and directed to make application to the supreme court of the District of Columbia, at any general or special term thereof, by petition for the condemnation of such land not so purchased, and for the ascertainment of its value.

Such petition shall contain a particular description of the property not so purchased, and selected for the purpose aforesaid, with the name of the owner or owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court at a time to be fixed by such court, on reasonable notice, to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability the court shall give public notice of the time at which the said court will proceed with the matter of condemnation; and at such time if it shall appear that there are any persons under disability either who have appeared or who have not appeared, the court shall appoint guardians ad litem for each such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as to the court shall seem meet.

Such Commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest who may appear before them, and return their appraisement of the value of the interests of all persons, respectively, in such land; and when such report shall have been confirmed by the court the President of the United States shall, if he think the public interest requires it, cause payment to be made to the respective persons entitled according to the judgment of the court, and in case any of such persons are under disability, or can not be found, or neglect to receive payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there shall be some person lawfully authorized to receive the same under the direction of the court, and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use.

It will be seen by reference to this act that the Commission had very general power and were instructed to acquire either by purchase or by condemnation proceedings the land necessary in their opinion to provide accommodation for the Government Printing Office and the construction of storage and distributing warehouses connected therewith. They were empowered and directed to acquire such land by negotiation where any such land could be so acquired and title secured at a price not above a fair relative value as to other lands which had been sold in the immediate vicinity, and were further authorized in the event of inability to purchase such land by agreement at a reasonable price within 60 days after the passage of the act, to make application to the supreme court of the District of Columbia for the condemnation of such land and the ascertainment of its value.

On the 10th day of December, 1890, the Commission thus clothed with such large discretionary power, made very full and complete report to the Senate. It is known as Executive Document No. 6 of the second session of the Fifty-first Congress. By reference to this document it will appear that on the 2nd day of September, 1890, the Commission having organized made advertisment for sealed proposals for the purchase of a site for the Government Printing Office. The requirement of said advertisement was that the site should contain about 150,000 square feet and be within the bounds of H street north, First street east, B street north, and Ninth street west, in the city of Wash*ington.* There was nothing in the act that required such advertisement,

and it certainly was in the power of the Commission to negotiate for and purchase any piece of land deemed by them to be suitable for the purpose without receiving proposals, and it certainly was within the purview of the act that they might obtain by negotiation or condemnation any piece of property deemed by them to be proper for the use designed to the exclusion of all competition or rivalry.

Under the advertisement thus made there were 17 different bids received, most of them within the limits named and some outside of such limit. Many of these bids were for small pieces of property, obviously unsuited for the purpose named. The Commission, after considerable deliberation, decided that the west half of square No. 678 was the one best adapted for the uses of the Government. After considerable investigation as to the values of surrounding pieces of property, the Commission determined on the purchase of the west half of square 678, bounded on the north by G street, on the west by North Capitol street, on the south by Massachusetts avenue and F street, and on the east by a 60-foot alley; containing 170,648 square feet, for the sum of $243,175. After such negotiation and on the 25th of September, 1890, an agreement was entered into by the Commission with the alleged owner of this property for its purchase at the price named. After this agreement there arose difficulties over the title of the property. The Commission had negotiated with and contracted with a Mr. C. A. Snow, but other persons laid claim to part ownership by legal or equitable title to the land in question. As title to the land could not be obtained by negotiation, the Commission on the 4th day of December requested the Attorney-General to institute proceedings to procure the property by condemnation as authorized by law. These condemnation proceedings have been temporarily stayed by reason of a resolution requesting such stay, which passed the Senate in the latter part of December, 1890.

The full report of the Commission heretofore referred to answers very fully and completely all of the questions raised by the resolution under consideration. It shows:

(1.) That the Commission with great care, and, as your committee believe, fully within the power granted them by the act referred to, determined upon a location for the accommodation of the proposed new Government Printing Office and the storage and distributing warehouses in connection therewith.

(2.) It shows that the block selected is available for use in connection with existing railroad facilities and also with reference to any suggested or probable modification of those facilities in the near future.

It will be seen by reference to the diagram on page 18 of the report of the Commission, that the proposed new site is so located with reference to the track of the Baltimore and Ohio railroad on Delaware avenue, that a switch or track of less than half a block in length would enter the proposed site. Indeed such tracks are already laid across the east half of block 678 to the alley which lies on the east side of the land contemplated. If these existing tracks could not be used under any arrangement by the Government, there would be no difficulty in running tracks up through F or G Streets, which would be available for all purposes. While there has been much public discussion in and out of Congress as to the advisability of the removal of the Baltimore and Ohio depot from its present position between New Jersey avenue and North Capitol street, and C and D streets, it is believed that even if such change should be made, there would be no

difficulty in maintaining a track from the location to which such depot might be removed to the west half of block 678.

Your committee suggest in passing that a railroad track to be run to the buildings for the purpose of carrying in the crude material and carrying out the finished product, is a prime necessity in connection with the proposed new printing office. One of the material objections to maintaining the printing office at its present location on the west side of North Capitol street, is the improbability if not impossibility of obtaining such railroad connection. The saving to the Government in matters of transportation and carriage by railroad communication over the present system would, as your committee believe, be a very large percentage upon any investment that might be made such as is contemplated by the act creating the Commission. The reasons for a new Government Printing Office fully appear in a report made by this committee at the first session of the Fifty-first Congress, known as Senate Report No. 1396, to which reference is hereby made.

(3) The Commission shows conclusively that the land to be purchased was contracted for at a comparatively reasonable price when reference is had to the selling and asking price of land in the immediate vicinity. But be that as it may, the proceedings in condemnation, which will settle the price to be paid, in the supreme court of the District of Columbia, by commissioners duly appointed and sworn for the proper performance of their duties, assured the result that the Government would finally pay what the property was fairly worth and no more. The condemnation proceedings would also fully settle the question of title, for those claiming different interest could litigate over the proceeds paid into the court by the Government and the decree of the court in the condemnation proceedings would vest full and complete title in the Government.

(4) The report fully shows that the land proposed to be purchased embraces the necessary area to meet present and prospective conditions. One hundred and seventy thousand square feet is equal to nearly 4 acres of land, and is, as your committee believe, ample for the purpose designed.

(5) The only remaining question left in the resolution was whether the site was suitable in respect to the foundation necessary for the large structure and heavy machinery proposed to be erected. The Commission have taken special pains to investigate the character of the soil of the tract selected, with reference to its fitness for a foundation for the proposed building, and from all sources it appears that a good foundation may be established thereon at a reasonable cost. This investigation as to suitability for foundation by the Commission ought perhaps to have settled that question, but after the report was received, the Committee on Printing received communications from citizens (some of them apparently disinterested and others interested in the sale of other sites) that the site proposed was not suitable as to soil to afford a proper foundation.

It was suggested that the west half of block 678 was the old bed of Tiber Creek; that it had been filled up from 1 to 15 feet and that originally, before such filling, it was swampy and boggy and full of dangerous quicksands. This information was of such character that the committee felt called upon to make a thorough exploration. It was suggested by those who complained of the character of the site in this regard, that if test pits were sunk the truth of their statement would appear. The Committee on Printing thereupon took testimony upon this subject, examining about 30 witnesses. The examination of

these witnesses was public and all made voluntary appearance at the request of the committee. The committee examined every person whose name was suggested or who was produced by any party in interest and there appeared before it attorneys representing the owners of the block in question and also owners of other proposed sites. These attorneys were permitted to ask such questions upon the matter in issue as they saw fit.

The testimony is very conflicting, but there can be no question that a careful examination of the proofs will show the fact that the west half of block 678 was originally and many years ago a firm soil except in the bed of Tiber Creek which at that place was quite an insignificant stream, except when swollen by heavy rains. The original surface of the west half of block 678 at its west side on North Capitol street was several feet above the present curb level and sloped gradually to the east and south towards Tiber Creek, which ran across the southeast corner of the proposed site. Its banks were sloping and firm and its bottom seemed to be composed of sand and gravel washed by the rains and the stream of water from the country to the north toward the head of the creek. Years ago the process of filling up and leveling the lot commenced and there was a cutting of several feet on the west side of the lot and the earth taken away was placed in the lower portion together with a large amount of rubbish and refuse, the lot being filled up in some places 10 or 12 feet, the deepest part being of course in the bed of Tiber Creek at the southeast corner of the west half of the block.

Some years ago Tbier Creek was destroyed by underground sewerage and the surface waters that formerly ran through it were diverted into large sewers. One of them of great size runs along North Capitol street on the west side of the proposed lot. A small pipe sewer runs along the alley on the east side of the site proposed, and along F street. Crossing diagonally Massachusetts avenue and connecting with the main sewer on North Capitol street, is a large lateral sewer. The owners of the lot in question after the attack had been made upon the lot as to its suitability for foundation purposes, caused numerous test pits to be sunk. The testimony is conclusive that these pits were large and deep enough to satisfy experts as to the character of the soil for foundation purposes. They were sunk through the original or top soil and the filling on the lot until the original surface of the ground was disclosed They were then sunk through the original soil until a stratum of gravel was disclosed.

Your committee submit herewith a copy of the testimony taken upon this subject matter. In determining as to the suitability of the lot in question for foundation purposes, your committee feel bound to rely upon the testimony of experts having technical knowledge of such matters rather than upon the evidence of those unfamiliar with the erection of great buildings and the needed characteristics of the soil for their support. An examination of the testimony will show that Mr. Thomas B. Entwistle who is the inspector of buildings of the District of Columbia, swore that he had thoroughly examined the lot in question and had examined with great care and thoroughness the test pits. He says that the lowest point in the southeast corner where there was the greatest depth of filling is as good a quality of earth as one can build on; that piling would not be necessary in any part and that a good concrete foundation of sufficient width would carry any structure you could put on it. This witness also swears upon being recalled that he had caused other test pits to be dug besides those originally examined by him, and that his *further and more thorough* examination satisfied

him that the ground was sufficiently firm and compact to carry ar structure placed upon it, and that with proper foundations, such as ar heavy building should have, the ground was capable of holding a buil ing of any capacity without any extraordinary or exceptional expend ture.

Mr. David E. McComb, who is a civil engineer and superintendent sewers in the District of Columbia, testified that he had made ve thorough examination of the test pits and that the soil was hard ar compact gravel, very firm and all of exceptionally good character, a fording good material for foundations. He further swore that the m terial upon which the foundation would rest was sufficient to hold tl buildings proposed to be erected and that the cellar would be in r danger of flooding, provided it was not extended to an unreasonab depth below the surface.

Mr. James L. Parsons, a builder and superintendent of the erectic of buildings, testified that he had erected a planing mill on the ea half of block 678 and about where Tiber Creek was said to have run- in fact, over its ancient bed. He stated that he had no difficulty in o taining good solid foundation for the engines of the planing mill at depth of 12 or 13 feet below the present level of the street, and that making his foundation he found gravel, but no evidences of quicksand This witness, who also superintended the construction of the Distri building, swears from his knowledge that there was no difficulty in tl world in obtaining without any extra expense a good foundation on tl site proposed for such a building as the Government Printing Offi would require. He further said that he did not believe there was ar objection to the site for a building of the class proposed.

Daniel J. Ready testified that he had known the block in questic for nearly 30 years, and that he was a practical builder. He swea that the original surface of the west half of block 678 was never bogg or swampy before it was filled, but was good, compact, and hard so He believed that it would afford good foundation for the largest buil ing.

Mr. Edward Baldwin, also a builder, testified that he had known tl site for many years and before it was filled, and that there was no bc or swamp there at all. He further said that he had examined the te pits and that there was no doubt about securing a proper foundatio without any extraordinary or exceptional processes, such as piling, et

Mr. Bernard R. Green who has much experience in the erection large buildings and heavy structures and is now engaged as the supe intending engineer of the Congressional Library building, testified wit great definiteness concerning the test pits that had been examined b him. He swears that the gravel on the proposed site is a very simil stratum to that found in excavating for the Congressional Library ar that there was no evidence of quicksand beds in any part of the lot. H stated that he did not believe it would be necessary to go to an avera depth of over 8 feet for a foundation, and if an average depth of 12 fe was needed it would improve the suitability of the foundation.

Mr. Patrick H. McLaughlin also a builder and who was the mast mechanic and overseer of the work of strengthening the foundations the Washington Monument, who built the Church of the Ascensio and is now the contractor for the building of the new Naval Observ tory, said that he had examined the test pits and considered the so perfectly secure for any building you might put upon it, and that would not require extraordinary or exceptional precaution to get a goo foundation.

Mr. William H. Mohler, who is a builder and general contractor, testified that he had known the lot for about 35 years, and that its surface before it was filled was that of a common covered by soil and grass, and that it was not boggy or swampy. He testified, basing his remark upon his constructing of sewers in that vicinity, that at a depth of 10 or 12 feet from the present surface you would find as good ground as you would get anywhere in the city, and that it would be perfectly safe to construct a building of any size, provided you put the foundation deep enough.

Mr. John J. Burrows, another builder and contractor, testified as to having personal knowledge for many years of the lot. He stated that the soil would hold any building you could put on it.

Mr. William C. Morrison, a builder of 30 years' experience, testified to having made careful examination of the test pits, and stated it as his belief that the lot at any part, particularly in the southeast corner, would afford good foundation for a heavy building without any extraordinary expense, except the putting of a broad concrete footing under the wall. This witness is now engaged in the building of the immense stone structure of the Washington Loan and Trust Company at the corner of Ninth and F streets.

Gen. Montgomery C. Meigs, who is well known to have had great experience in the construction of large buildings, having superintended the construction of the Pension building, the General Land Office, and the wings of the Capitol, testified, being called as one of the last witnesses, that he had read all the testimony produced before the committee, had knowledge of the ground in question, and had thoroughly examined the contour maps in the District office. He testified very clearly that it would not be necessary in obtaining a good foundation for a heavy building carrying machinery such as the Government Printing Office would require to go to any extraordinary expense or take extraordinary precautions on this soil.

General Edward Clark, who is well known as the Architect of the Capitol, and who is one of the Commission to select the site, testified that he had very thoroughly investigated the land in question, and that he had no question but that it would afford a good foundation for such buildings as would be required for the printing office. He said that the test pits that had been dug were sufficient in number and depth to answer the purposes of exploration by an expert, and that he had no question but that a perfectly secure foundation could be had without extraordinary or exceptional expense.

Your committee have thus reviewed the question at issue upon the testimony of the principal experts. Reference to the full testimony will show that there were others, mainly not experts, who held to different opinions, and who believed that unless very great expense was had, good foundations for buildings could not be obtained upon that lot. It will be seen, however, by reference to other testimony that as a rule they were men unexperienced in such matters, and their testimony is of little value as compared with experienced builders and contractors, such as those who have been named. Your committee arrive at the conclusion that no difficulty would be experienced in erecting buildings of any required or desired weight, whether they were for the purpose of carrying machinery or for the storage of heavy material. They repeat with greater emphasis the statements heretofore made that the present Government Printing Office is an unsafe and in every respect an objectionable structure. "It is a constant threat to the lives of the numerous persons who labor *therein; that the* present system of carriage of crude

material to it and the distribution of Government publications forms a most expensive plant, and one without any of the true elements of economy.

New structures with railroad facilities, such as were contemplated by the act that authorized the Commission to purchase the site, are a necessity so great that every effort should be made to hasten the obtaining of the title of the needed ground and the erection of the necessary buildings thereon. The Commission has, as your committee believe, acted with rare good judgment, and in every step of the proceedings taken by them, have moved in the direction of the public good. Your committee ask to be discharged from the further consideration of the resolution, and as all the purposes contemplated by it have been reached, recommend that the resolution be indefinitely postponed.

CHARLES F. MANDERSON.
JOS. R. HAWLEY.

Senate Report No. 1396, Fifty-first Congress, first session.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany the proposed amendment by the Committee on Printing to the bill (H. R. 10884) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.]

The following language of the present Public Printer, used at page 7 of his annual report submitted to the Fifty-first Congress, is worthy of serious consideration. He says:

In order that the Government Printing Office may execute advantageously the constantly increasing amount of work furnished by Congress and the Executive Departments, provision should be made at once for a new fire-proof plant on a commodious and accessible site, or such a fire-proof extension of the present establishment as could furnish the necessary room and conveniences for economic work.

The predecessor of the present Public Printer in his annual report for the fiscal year ending June 30, 1886, said:

While this office is undoubtedly the largest of its kind in the world, and is unique in its character and purposes, representing in a large degree, in its growth and work, the intellectual and business development of the nation, yet it falls far short of embodying that perfection of mechanical resources which is necessary to meet the ends for which it is designed. Such an office should represent, in its personnel, machinery, and material, the highest development of skill and the latest and most efficient appliances of mechanical invention. Nothing less will suffice for the most rapid and economical production of the public printing, and nothing less, it may be said, will meet the demands of an instructed public sentiment. * * * In view of the constant growth of the country and the continued enlargement of the business and necessities of the Government, due both to the natural growth of the Departments and the creation by Congress of new bureaus, commissions, etc., the enlargement and better equipment of this office is now an absolute and pressing necessity. The office does not now meet, nor has it met in the past, any standard efficiency or economy that would appeal to the approval of skilled mechanics or of enterprising business men.

Since the language last quoted was used by its author, some additions have been made to the office in the way of increased working space and new and better machinery, yet the present Public Printer in his report to the Fifty-first Congress shows conclusively that the office is wholly unsuited to the purpose for which it is intended, and unites his judgment with that of his predecessor in the declaration that the "enlargement and better equipment of this office is now an absolute and pressing necessity."

In a communication addressed to this committee, of recent date, the Public Printer says:

By reason of the lack of sufficient room in the Government Printing Office, work is done at great disadvantage, causing delay and expense which might otherwise be avoided. This is the case in all divisions of the office. It has caused embarrassment,

especially in the rooms where compositors are employed, in the folding room, and in the bindery. The employés are crowded into such a limited space as to impede them in their work and to menace their health. The lack of sufficient room for the storage of paper and other supplies and for properly handling the finished products of the office has compelled the Public Printer to hire outside storage warehouses, at an annual rental of $3,600, and the additional expense of loading, hauling, and unloading printed matter stored in these warehouses.

Another consideration which should appeal with more than ordinary force to Congress is the fact that the drainage, ventilation, and other sanitary appliances of the Government Printing Office were furnished when the number of employés was not more than one-fourth the number now employed, and these appliances can not now be increased so as to meet in any adequate degree the necessities of the service.

It would seem that statements so clear and specific from so reliable a source would be sufficient to awaken the liveliest interest on the part of Congress and lead to such measures of relief as the necessities of the situation require.

A personal inspection by the committee impressed each member of it with the force of the language of the Public Printer; aye, more, it forced upon them the conclusion that the Public Printer had been very moderate in his characterization of the real condition of things in the Government Printing Office.

A somewhat cursory review of the official statements made by the Public Printer and some of his subordinate officials respecting the Government Printing Office, and other official statements, since 1880, will not be out of place in this connection.

In December, 1880, the H-street wing of the Government Printing Office was condemned by the architect of the Capitol before the House Committee on Printing in the following strong terms:

I have frequently made an examination of the Government Printing Office building and I consider the old portion of the structure now so overweighted that its condition is very dangerous, imperiling the property stored there and the lives of the persons employed in the building. In many cases the joists have sagged at least 2 inches from a straight line. Heavy trucks and weights are constantly being moved over the floors, causing considerable vibration, and the motion of the machinery has also the same effect. * * * If one break should come, if one joist or one beam should give way, the probabilities are that the whole of the old portion of the building would come down like a house of cards.

The H-street wing has been somewhat strengthened by wooden posts, as described by the Public Printer in his report to the Fifty-first Congress, in which he says:

Three rows of posts, about 10 feet apart, were placed in the three lower stories as additional supports for the floors.

In a communication to the Committee on Printing he adds:

This measure [referring to the posts] of precaution in this direction has increased the danger in case of fire by adding to the already large amount of combustible material in the building.

He might have supplemented this observation by the remark that while the unsightly wooden posts give something of strength and steadiness to the floors, they obstruct the light and occupy space greatly needed for other uses, and constantly interfere with economic work. In fact, the posts are only make-shifts, and are standing monuments to the primitive character of the building and to the neglect of Congress in providing a building suitable for a great printing office; one in which work may be done with all possible speed, and as cheaply as a well-appointed plant, modernly equipped, can do it. No individual or private corporation, with eyes open to all modern advantages, would maintain such a clumsy, unsafe, and uneconomic plant any longer than would be necessary to replace it with a better one. There is certainly no reason

why the Government should longer maintain an establishment that is at least twenty-five years behind the times.

In a report made to the Public Printer in December, 1887, by the Foreman of Printing, than whom no one could speak with greater significance, the following paragraph was used:

> The constant and rapid increase in the volume of the public printing renders it absolutely essential that some steps be at once taken towards providing a larger and more suitable building for the office. No branch of the public service, in my knowledge, is so poorly accommodated as this. The building was erected more than thirty years ago by Mr. Wendell, who then had the contract for printing. The contract being of uncertain tenure, of course no extra expense was incurred in constructing the building. It was cheaply put up, and its capacity limited to the necessities of the work at the time, with no thought, provision, or care for its future growth. Additions have been made from time to time until no more can be made.
>
> The building was never properly adapted for a printing office, and the additions have made it worse. The light is bad, the arrangement inconvenient, and the sanitary condition, while much improved of late years, is necessarily very faulty. But, even if none of these faults existed, the grave trouble presents itself that, bad as it is, there is not enough of it. Every division of the office is crowded for room, and all kinds of make-shifts are resorted to to get along at all. One division of the document room, for instance, is separated from the other divisions by two floors, and is stowed away in cramped and unsuitable quarters, right under the roof and put where space is most urgently needed by another department with which it has no special business connection, and to the inconvenience of both. Every day the situation is getting worse, and it will not be long before other quarters will have to be rented or obtained in some way. For several years past large amounts have been paid annually in rental for storage room for printed sheets at a considerable distance from the office, necessitating the further expenditure of considerable sums for hauling to and from and handling the sheets, besides daily inconvenience and loss of time. If the Government is to continue doing its own printing it should at once commence the erection of a suitable building in which to do it.

This is the deliberate judgment of Capt. H. T. Brian, Foreman of Printing, whose long connection with the office and whose clear-headedness is well known; and it would seem that this report, made three years ago, would be sufficient to justify any action of Congress looking towards the erection of a printing office equal to the demands made upon it by that body and the Executive Departments for printing and binding. To supplement the report of the foreman of printing, if that were necessary, a few quotations from reports of assistant foremen are given.

Assistant foreman, second division, document room, says:

> The crowded condition of the division, whereby twenty to thirty men are compelled to work four sets of cases on only half a frame, is one of the difficulties I have to contend with, and is detrimental to the strict enforcement of good order and discipline. In the interest of the health and comfort of the men each should have a full frame, with rack, and for greater promptness and economy in the dispatch of work I would recommend the correction of this evil as speedily as possible. * * * Female compositors have much to contend with in life's struggle, especially when they are thrown in with the sterner sex in a vast establishment like this. Those in this division justly complain of the lack of accommodations for their use.

The want of room makes it utterly impossible to remedy the evils complained of, and the constant increase of work, which necessarily increases the number of persons employed to do the work, aggravates this condition perpetually.

The assistant foreman of proof-room says:

> The proof-room * * * is too far removed from the composing rooms, and of course, in the present crowded condition of the office, it is impossible to remedy this objection.

Yet it must not be forgotten that this "objection" involves not only the question of convenience, but that all-absorbing question of economy as well. Time is always an element *of economy* in a printing office, and

loss of time in handling proofs in a large printing establishment amounts to hundreds and possibly thousands of dollars in the course of a year.

The same question is raised by the report of the assistant foreman of the job-room, in which he says:

> The character of the work renders it necessary that this division should be in as close proximity to the press-room as possible. Forms that require change make it necessary, in some instances, for the constant presence of a compositor in the press-room. The press in other cases stands idle while the form is being carried to the compositor for change. A great saving of time and labor could be made by shortening the distance between job and press room.

To remedy this expensive defect is wholly impracticable in the present building.

The Foreman of Binding, in his report to the Public Printer, says:

> I beg leave to invite your attention to the crowded condition of the sewing-room, and respectfully suggest that the stamping and case-making departments be moved into the room now known as the stock-room, and the space gained given to the sewing department. This change would give the stamping division more light, which is very much needed, and the sewing women a better chance for health. The floor of the building is very much worn and should be replaced, as it is very dangerous to life and limb in its present condition, etc.

The crowded condition of the sewing-room is a positive disgrace to the Government. The number of cubic feet of space to each woman engaged therein is about half what it should be. Visitors to this room invariably start back upon entering with the remark: "What a vile air! How can these poor women live in such an atmosphere?" The pale, haggard faces of most of the women furnish the answer. Who is responsible for this?

Turning to the mere sordid view of the question: How much is lost by the Government on every dollar expended for work in this department in consequence of the effect of this vicious air upon the energies of the employés?

Further on the foreman says:

> Lately, many of the Executive Departments are requiring us to wrap their publications, which is very detrimental to the progress of the legitimate work, and which is virtually turning the bindery into a mailing department. As we have not the hands, or floor space to spare, I respectfully recommend that such work be discontinued.

In the interests of economy and prompt distribution, all books printed in the office should not only be wrapped, but mailed direct from there. And with a view to this great saving to the Government, and to secure prompt distribution, it is proposed, in the amendment to the sundry civil appropriation bill, to erect a distribution warehouse, where the bulk of the output of the office will be wrapped, superscribed in accordance with mailing lists supplied by rightful authority, and mailed direct, and of which a correct record will be kept by the superintendent of this division. This will secure prompt distribution, prevent duplication in supplying public documents to individuals and depositories, stop the expense of handling and carting about 800 tons of books per year at an enormous and unnecessary expense, and in every sense be in the direction of business methods and business economy.

Thus we might go on quoting from the reports made by subordinates to the Public Printer to the same purpose, to wit: Showing the overcrowded and dangerous condition of the office; how men and women are crowded together in ill-lighted, ill-ventilated rooms, so appointed, with reference to the business of the office, as to cause inferior work, expensive delays in the performance of it, and showing conclusively the

need of a new building constructed upon modern ideas, and with a view to the actual and prospective demands of the public printing.

The grand jury of the supreme court of the District of Columbia, in a report made in 1887, respecting the Government Printing Office, said:

> We have made an examination of the Government Printing Office, on the northeast corner of square No. 624, North Capitol and H streets, northwest, and find the building fronting 300 feet on H street and 175 feet on North Capitol street, by a width of 60 feet, four stories in height, and constructed, except the outer walls, of combustible materials, floors and ceilings being of wood, and each floor is also fully stored with combustible material. In this portion is employed, on an average, about fifteen hundred persons, those on the upper floors being mostly females. The exits for escape in case of fire or panic are, in our judgment, totally inadequate. * * * To fire-proof this building would be to virtually reconstruct it.

Some improvements have been made since the above report was made condemning the building, yet in the last report of the Public Printer this language is used:

> With all these precautions [added improvements], the building is liable at all times of the day and night to destruction by fire. The embarrassment and loss in property alone to the public service through such a calamity would be incalculable; but when the fact is considered that there are more than two thousand employés at times in this building, and that a fire once started is liable to spread with great rapidity, because of the combustible nature of much of the material in the building, the need of prompt measures for averting the danger would seem to be imperative. The only durable remedy which could be applied would be the construction for the use of this office of a fire-proof building.

The need of such a building is imperative, from the following considerations:

(1) The health of the employés of the office.

(2) Greater economy in the public printing and binding.

(3) Promptness in the distribution of the finished product of the office.

(*a*) The health of the employés is endangered by want of sufficient working space for each person employed; by the poor lighting and ill-ventilation; by the fumes that invade the office from the stables that are practically a part of the building; by the imperfect and insufficient plumbing, which was put in to accommodate not more than five-hundred people, whereas the number has grown to be over two thousand; the danger to life by reason of the highly combustible material of which the building is made and with which it is filled; the danger from the too near proximity of the boilers, which are so situated, in the event of an explosion, that the lives of every person in the building would be endangered.

(*b*) Greater economy in the public printing would be accomplished by the erection of an office constructed upon modern ideas, by bringing the working divisions of the office into logical relations with each other. This would enable a greater amount of work to be done without a corresponding increase of force; the work could be done more promptly and better, and when done the output could be handled and distributed at about three-fourths the present cost. With respect to this latter idea the Public Printer, in his report to the Fiftieth Congress, said:

> The daily necessities of the office require loading the H street wing floors of the folding-room and bindery to a degree actually dangerous, and the storage of the remaining sheets in warerooms a mile distant from the office.
>
> This system has rendered necessary the cartage of an average of 500 tons of printed paper per year a distance of 2 miles, with four trips up and down elevators, merely in the ordinary transit of work from one division of the office to another located upon adjoining floors. Such a system *does not need to be* characterized. Its absurd ex-

pense and inevitable delays should be no longer tolerated. What is demanded is storage-room, of sufficient capacity, adjoining the bindery, and connected with it.

The present Public Printer, in his report to the Fifty-first Congress, says:

The present structure is wholly inadequate for the uses to which it is put. It is ill-lighted, ill-ventilated, and so far short in dimensions of the requirements of the public service that much of the work is done at great disadvantage. For instance, there is room for the storage of only a few days' supply of paper for the press-rooms and bindery. * * * Any event which would for many days suspend freight transportation on the great trunk lines of railway would, in all probability, cause a stoppage of work in some, if not all, of the important divisions of the office, because of the lack of supplies. After printed sheets for books have passed from the folding-room they are often necessarily hauled away in wagons to outside warehouses to await the time when they shall be required in the bindery. After books have been completed in the bindery there is no room for their storage in any considerable numbers, even temporarily, in the building, and when the weather happens to be stormy the work of removal to the Capitol or the Departments or the warehouses [rented outside] is accompanied by serious inconvenience and delay.

The Public Printer might have gone further and said that the repeated handling of the sheets and completed books, in shifting them first to one place and then to another, in order to make room for the work to go on, and in hauling them in wagons to outside warehouses, exposed to dust and dampness, and rough usage, injures the sheets in some instances, so that they have to be reprinted, and often so soils the books that they are oftentimes unfit to be sent out.

The books that are delivered to the Capitol folding-rooms are hauled in wagons from the Printing Office to the Capitol, unloaded book by book, carried by armfuls to a small scuttle-hole designed for ventilating purposes, piled on the damp stones, then handed down to a man who stands half-bent over to receive them, who, in turn, passes them to a third man, who hands them to others ready to receive them and carry them to some dark, musty part of the cellar, in which they are stored away for an indefinite time. Thus, the books are printed on paper, hauled in wagons to the Printing Office, then printed and bound under conditions disadvantageous and uneconomic, and then hauled away in wagons, exposed to dust, snow, and rain, and finally stored away in a damp, musty cellar, not unfrequently to rot.

All this folly of method and of useless waste has been going on for years, and is still going on, in the full face of official reports to Congress, which tell the whole story, and point out the easy and business-like way to correct the abuses complained of.

The simple method proposed by the committee is to erect a printing office planned after modern ideas, large enough to meet the demands of the public printing promptly and economically; to have in connection therewith a warehouse large enough to hold sufficient supplies of paper to make the office independent of any exigency arising out of the failure of contractors or of the temporary interruption of freight lines, and to store away conveniently and economically the product of the office until ready for delivery. Then, in connection with this, a distributing department should be established, from which all books might be distributed direct upon lists furnished by those having books to be sent out. In this way the saving to the Government annually over the present system of public printing would pay interest on the sum of money necessary to make the improvements proposed, and go far towards the payment of the principal.

Senate Ex. Doc. No. 6, Fifty-first Congress, second session.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

The report of the Commission to select a Site for the Government Printing Office Building.

DECEMBER 10, 1890.—Referred to the Committee on Printing and ordered to be printed.

TREASURY DEPARTMENT,
Washington, December 9, 1890.

SIR: I have the honor to transmit herewith a report of the proceedings that have been had, with copies of correspondence and papers pertaining thereto, by the Commission created by a provision of the sundry civil bill of the last session to select and purchase a site for a new building for the Government Printing Office.

Respectfully yours,

WILLIAM WINDOM,
Secretary of the Treasury.

The PRESIDENT OF THE SENATE,
Washington, D. C.

To the Senate and House of Representatives:

The undersigned, appointed as a Commission to select a site for the Government Printing Office, beg leave to submit the following report:

During the first session of the Fifty-first Congress the act making appropriations for sundry civil expenses of the Government, approved August 30, 1890, contained the following provisions:

SEC. 2. That to provide accommodation for the Government Printing Office, and the construction of the needed storage and distributing warehouses in connection therewith, the Secretary of the Treasury, the Public Printer, and the Architect of the Capitol, acting as a board, be, and they are hereby, empowered and instructed to acquire, either by purchase or by condemnation proceedings, as hereinafter provided, the land necessary, in their opinion, for the purposes aforesaid, and for the purposes stated, the *sum of two hundred* and fifty thousand dollars, or

so much thereof as shall be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That in the event it shall be necessary, in order to carry out the purpose of the foregoing section, for the board, as above constituted, to acquire land, said board is empowered and directed to acquire the same by negotiation, where any such land may and can be so acquired and title secured at a price not above a fair relative value as to other lands which have been sold in the immediate vicinity; or if the said board hereby created shall be unable to purchase said land by agreement with any one or more of the respective owners at a reasonable price within sixty days after the passage of this act they are authorized and directed to make application to the supreme court of the District of Columbia, at any general or special term thereof, by petition for the condemnation of such land not so purchased, and for the ascertainment of its value. Such petition shall contain a particular description of the property not so purchased, and selected for the purpose aforesaid, with the name of the owner or owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court at a time to be fixed by such court, on reasonable notice, to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability the court shall give public notice of the time at which the said court will proceed with the matter of condemnation; and at such time if it shall appear that there are any persons under disability either who have appeared or who have not appeared, the court shall appoint guardians ad litem for each such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as to the court shall seem meet. Such Commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest who may appear before them, and return their appraisement of the value of the interests of all persons, respectively, in such land; and when such report shall have been confirmed by the court the President of the United States shall, if he think the public interest requires it, cause payment to be made to the respective persons entitled according to the judgment of the court, and in case any of such persons are under disability, or can not be found, or neglect to receive payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there shall be some person lawfully authorized to receive the same under the direction of the court, and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use.

The Commissioners authorized by the act heretofore mentioned held their first session in the rooms of the Secretary of the Treasury on the 1st of September, 1890, and organized by the election of Hon. William Windom as chairman and F. W. Palmer as secretary. During this session a resolution was adopted authorizing the insertion in two daily *journals in* this city of an advertisement inviting the presentation of

proposals for the sale of land for the purpose heretofore mentioned. The advertisement was in the following language:

PROPOSALS FOR A SITE FOR A BUILDING FOR THE GOVERNMENT PRINTING OFFICE.

WASHINGTON, D. C., *September* 2, 1890.

Sealed proposals will be received until 12 o'clock m. of Wednesday, September 17, 1890, by the undersigned, for the purchase of a site for a new building for the Government Printing Office, said site to contain about one hundred and fifty thousand (150,000) square feet, and to be within the bounds of H street north, First street east, B street north, and Ninth street west, in the city of Washington.

Each proposal will state the location of the ground, the number of square feet offered, and the names and residences of the owner or owners.

These proposals must be indorsed "Proposals for a site for the Government Printing Office," and addressed to Hon. William Windom, Secretary of the Treasury, chairman of the Board.

WILLIAM WINDOM,
Secretary of the Treasury.
FRANK W. PALMER,
Public Printer.
EDWARD CLARK,
Architect of the Capitol.

On the 17th of September, in accordance with the terms of the foregoing advertisement, the Board received and considered proposals for the sale of various tracts of land, as follows:

1.

WASHINGTON, D. C., *Sept.* 15, 1890.

To Hon. WILLIAM WINDOM,
Secretary of Treasury:

DEAR SIR: I propose to offer about 5,600 feet of ground in square 624, fronting 32 feet on G st., N. W., for site for Government Printing Office, for two dollars a sq. foot, with the improvements. House 35 has 7 rooms, a large frame stable, and large (brick) carriage house. House 57 has 4 brick rooms, and wood kitchen in front; frame house in alley.

Respectfully,

TIMOTHY COSTELLO,
35 *G st., N. W.*

2.

SEPTEMBER 15, 1890.

Hon. WM. WINDOM,
FRANK W. PALMER, Esq.,
EDWARD CLARK, Esq.:

GENTLEMEN: I hereby propose to offer lot 15, square 624, Maguire's subdiv., twenty-four (24) ft. front by 175 ft. 3 inches in depth, with improvements, a 1-story brick carriage house in front, with a two-story brick stable in rear, at $2.25 per sq. ft.

JOHN G. WOLFE,
305 *H street, N. E., City.*

3.

WASHINGTON, D. C., *September* 15, 1890.

Hon. WILLIAM WINDOM,
Chairman of the Board for Selecting a Site for a Building for the Government Printing Office:

In pursuance of advertisement of September 2nd, 1890, I offer my lot, with improvement, which is situated on G street between 1st street and North Capitol street, northwest, in square No. 624, and lot No. 11, containing 1,392 square feet, being 16 feet front on G st. and 87 feet deep, at two (2) dollars per square foot, and a two (2) story and basement brick house for one thousand ($1,000) dollars. I am the owner and occupy the above premises.

MARY E. HARVEY,
Number 27 G st., N. W.

1,392 feet
$2 per foot

$2,784
1,000 improvements

3,784

4.

WASHINGTON, *September* 8, 1890.

To the Hon. WILLIAM WINDOM,
Secretary of the Treasury;
FRANK W. PALMER,
Public Printer;
EDWARD CLARK,
Architect of the Capitol:

GENTLEMEN: I own two pieces of property, both of which are located in square 624, fronting on G street, N. W., and running back to Jackson alley.

The first is the eastern part of lot numbered (13), in square 624, sixteen feet front by a depth of 175 feet and 3 inches, containing, in all, 2,804 feet, and improved on the G street front by a three-story and back building, 8 large rooms and 2 small rooms, and on the Jackson alley front by a two-story brick containing 4 rooms. Both houses are brick. I offer said lot, together with all improvements, for two dollars and fifty cents per square foot ($2.50 per square foot).

The second is the eastern part of lot numbered (25), in square 624, fronting sixteen feet (16 ft.) on G street and running back one hundred and seventy-five feet three inches (175 ft. 3 in.) to Jackson alley. This lot is improved on the G street front by a two-story and back building brick house, containing 6 good rooms and 2 small rooms. The said lot is improved on the Jackson alley front by a two-story brick house, containing 4 rooms. I offer this lot, together with all improvements, for two dollars and twenty-five cents per square foot ($2.25 per square foot), 2,804 feet.

Very respectfully,

JOHN F. KELLY,
Lieut. Met. Police,
Residence, 31 G street, N. W.

5.

WASHINGTON, D. C., *Sept.* 16, 1890.

To the Hon. WILLIAM WINDOM,
Secretary of United States Treasury:

SIR: We, the undersigned, have the honor to submit the following proposal for the sale of lots A, B, 1, 2, and 3, square 624, fronting one hundred and nine (109) feet on N. Capitol street, between Jackson alley and G sts., N. W., with a depth of 130 feet to a 15-foot alley, amounting to 14,170 square feet, more or less.

For the sum of three (3) dollars per square foot.....	$42,510.00
For improvements erected on said lots.....	20,000.00
	62,510.00

ANDREW GLEESON, } *Owners.*
ELLEN GLEESON, }
802 *First st., N. W.*

6.

WASHINGTON, D. C., *Sept.* 16*th*, 1890.

To the Hon. WILLIAM WINDOM,
Secretary of the U. S. Treasury:

SIR: The undersigned respectfully submits the following proposal for the sale of original lot 43, square 624, fronting on H st., north, between North Capitol and First st., west, for a site for the Government Printing Office.

Original lot 43 is 24 feet front by 175.3 ft. deep, is bounded on the west by a 20-ft. alley, and contains 4,206 sq. ft., at $2.25.....	$9,463.50
Improvements on front, brick store; improvements on alley, brick stable and dwelling; improvements on rear, two brick houses; total improvements	4,000.00
Total for orig. lot 43 and improvements.....	13,463.50

D. CONNELL,
741 *First, N. W., City.*

7.

WASHINGTON, D. C., *September* 16, 1890.

To the Hon. WILLIAM WINDOM,
Secretary of the U. S. Treasury:

SIR: The undersigned respectfully submits the following proposal for the sale of lots 44 and 45 in square 624, fronting on H st., north,

between North Capitol st. and First st., west, for a site for the Government Printing Office:

Original lot 44 is 24 feet front by 175.3 ft. deep, and contains 4,206 sq. ft., at $2.25	$9,463.50
Improvements, 2 stores and dwelling on front	5,000.00
" 2 dwellings on rear	1,000.00
Total for orig. lot 44 and imp	15,463.50
Original lot 45 is 24 feet front by 175.3 ft. deep and contains 4,206 sq. ft. at $2.25	9,463.50
Improvements on front, 1 brick dwelling	3,000.00
" " rear, 2 " houses and stable	1,000.00
Total for orig. lot 45 and imp	13,463.50

JOHN J. FULLER,
58 *H st., N. W.*

8.

WASHINGTON, D. C.,
September 16, 1890

To the Hon. WILLIAM WINDOM,
Secretary of the U. S. Treasury:

SIR: The undersigned respectfully submits the following proposal for the sale of part lot 46, square 624, fronting on H st., north, between North Capitol and First st., west, for a site for the Government Printing Office.

Lot 46 is 24 ft. front by 125 ft. deep, and contains 3,000 sq. feet, at $2.25	$6,750.00
Improvements, store and dwelling	3,000.00
Total	9,750.00

JOHN ELBERT,
54 H st., N. W.

9.

To the Board of Commissioners for
Purchase of Site for Government Printing Office:

I own in square six-hundred and twenty-four (624), bounded by H street, North Capitol street, G street, and First street, northwest, parts of sublots nineteen (19) and twenty (20), containing about three thousand (3,000) square feet, which I am willing to sell for two ($2) dollars per square foot, and improvements thereon at value assessed by District assessor for taxation.

Very respectfully, etc.,

ALEXANDER BRUCE,
No. 45 G street, N. W.

WASHINGTON, D. C., *Sept. 16th*, 1890.

10.

WASHINGTON, D. C., *September* 16, 1890.

To Hon. WILLIAM WINDOM,
Secretary of the Treasury:

DEAR SIR: I propose to offer for sale about (6,660) six thousand six hundred and sixty sq. feet of ground fronting on G st., in square numbered six hundred and twenty-four (624), all of sublots eighty-one (81) and eighty [-two] (82), now used for storage purposes by the Government Printing Office, for one dollar and seventy-five cents ($1.75) per sq. foot.

Respectfully,

M. GORMAN,
No. 823 2nd st., N. E., City.

11.

WASHINGTON, D. C., *September 10th*, 1890.

Hon. WM. WINDOM,
Secty. Treasury, &c.:

SIR: We submit the following "under proposals for site, &c."

In square 630, pt. of lot 4, 22 ft. on N. Jersey ave. by 147 ft., owned by Morris Keim. Contains 3,250 sq. feet. Residence, Springfield, Md. We are his duly authorized agent to offer this lot at $1.60 per sq. ft.

Resp'y,

FISH & MILLER, *Agents.*

12.

WASHINGTON, D. C., *Sept. 17th*, 1890.

Hon. WM. WINDOM,
Secretary of Treasury:

DEAR SIR: We also submit for your consideration square No. 630, between D and E and New Jersey avenue and North Capitol street, northwest, containing about 190,000 square feet; the price exceeding the appropriation, we concluded to give only a portion of it, but the location being so central and so close to the Capitol makes it very desirable for the purpose required.

We give below prices and names of owners; location is marked on the plat inclosed:

Acker Bros., 45,241 square feet (2 corners)	$100,000
A. Garry, 36,000 square feet	54,000
M. Thomas, 4,400 square feet	20,000
S. M. Plumley, 7,066 square feet	20,000
Total	194,000

Fenno, Wylie & Reilly, containing 29,226 sq. feet, exclusive of alleys, we estimate can be purchased for $55,000, making a total of 121,933 sqn. feet, for the sum of $249,000.

We also have the following for sale in the same square, on N. J. ave. front and E st.:

Lewis, 1,720 square feet	$11,000
W. Nailor, 2,992 square feet	12,000
Ferry, 10,500 square feet	42,000
Rider Bros., 8,335 square feet	16,670
Hattel, 6,250 square feet	10,000
Dimarzo, 1,550 square feet	3,100
Total	94,770

The other owners in the square from whom we have not heard are:

Hay, Wroe, Corcoran, Quick, Freirich. } Estimated No. feet, 10,000 ft., estimated price, $20,000.

Very respectfully,

CARUSI, EVANS & CARUSI.

N. B.—As the time given would not permit us to complete investigation of the entire square, we would be glad to do so if requested.

13.

WASHINGTON, D. C., *Sept.* 17, 1890.

Hon. WM. WINDOM,
Secretary of the Treasury, Chairman of the Board for Selection of Site for Government Printing Office:

SIR: In accordance with your advertisement dated Sept. 2, 1890, a copy of which is hereto annexed, we have the honor to tender for use as a site for the Government Printing Office the following property in square numbered five hundred and seventy-four (574), situated between First and Second streets, west, and B, C, and Indiana avenue, north:

	Price, including improvements.
Lot 1, the property of Samuel Emery, of Washington, D. C., containing 40,384 sq ft	$74,691.20
Lots A, B, C, D, E, F, of 3, sub. f of 3, b. g 420, R. and S., the property of Matthew G. Emery, of Washington, D C., containing in all 66,216 sq ft.	127,188.80
Lots O, P, and Q. the property of Thos. W. Smith, of Washington, D C., containing in all 11,034 sq. ft	51,500.00
Lots M and N, the property of the estate of W W. Corcoran, deceased, of Washington, D. C., containing in all 4,359 sq. ft	11,919.50
Lot 13, property of E. A. Dovilliers, of Washington, D C., containing 2,101 sq. ft	8,252.50
Lot 12, property of Eugene Carusi, of Washington, D C., containing 2,101 sq. ft	8,752.50
Lot 11, property of Emily N. Meloy, of Washington, D. C., containing 2,101 sq. ft	12,000.00
Lot 9, property of Anton Eberly, of Washington, D. C., containing 2,101 sq. ft	11,303.00
Lot 18, property of Louis H. Schneider, of Washington, D. C., containing 1,065 sq ft	6,102.50
Lot 19, property of Louis H. Schneider, of Washington, D. C., containing 1,065 sq. ft	6,102.50
Lot 17, property of A. L. and John M. Eshleman, of Washington, D. C., containing 1,151 sq. ft	12,000.00

Total number of square feet submitted, 133,678, more or less.

Respectfully, PLANT & TURPIN,
1429 *New* York Avenue, Washington, *D. C.*

14.

WASHINGTON, D. C., *Sept.* 17, 1890.

Gentlemen of the Board for the Selection of a
Site for the Public Printing Office of the United States:

SIRS: In reply to your advertisement in the Star, I beg to offer one hundred and fifty thousand (150,000) feet of the western half of square 678, situated on North Capitol st., between F and G streets, including lots 3, 4, 5, 6, 7, and 8, at the rate of one dollar and fifty cents ($1.50) per square foot; or I will sell all the ground, 170,674½ square feet, for two hundred and forty-nine thousand seven hundred dollars ($249,700). I am the sole owner, and can make a perfect title and give immediate possession of the entire property. The ground above offered is vacant, except temporary structures, and is surrounded by a high board fence. My residence is at 712 Eighth street, N. W., Washington, D. C.

Very respectfully,

C. A. SNOW.

WASHINGTON, D. C., *September* 25, 1890.

Gentlemen of the Board of Selection of a
Site for the Government Printing Office:

GENTLEMEN: In response to your letter of recent date, I have the honor to state that, after consideration of the same and responding thereto, I submit the following amendment of the within proposal: I will sell the west half of said square six hundred and seventy-eight, which contains, in square feet, 170,648 sq. ft., more or less, for the sum of two hundred and forty-three thousand one hundred and seventy-five dollars ($243,175). Said ground is bounded on the north by G street, N. E., on the south by Massachusetts avenue and F street, N. E., on the west by North Capitol street, and on the east by an unnamed street or alley sixty feet wide along the entire length of said tract.

Respectfully,

C. A. SNOW.

15.

WASHINGTON, D. C., *Sept.* 10*th*, 1890.

Hon. WM. WINDOM,
Secty. Treasury, etc.:

SIR: We submit the following property under the invitation for proposals for site for Govt. Printing Office:

This square (754) is 2 streets east of the limits of your advertisement, but within the scope of the law.

We offer the east half of the square 754, 164′ 8½″ on E and F sts., N. E., by 348 ft. on 3d st., containing 58,317½ sq. ft., at $1.00 per sq. ft., owned by D. A. Windsor, of Alexandria. There are no improvements of consequence on the square.

Resp'y,

FISH & MILLER, Agents.

16.

WASHINGTON, D. C., *Sept. 16th*, 1890.

Hon. WM. WINDOM,
Secretary of Treasury, Washington, D. C.:

DEAR SIR: We beg to offer the following square of ground as a site for the Gov't Printing Office. Although not in the limit described in the advert. its close proximity and convenience to the Capitol, and also the cheapness of the ground, we hope, may be worth your consideration.

Square 754, containing 114,637 square feet, between 2nd and 3rd and E and F sts., N. E.; price, $1.25 per foot, amounting in all to $143,296$\frac{25}{100}$.

The names of owners are David A. Windsor, Alexandria, Va.; Dr. L. W. Ritchie, 3259 M st., N.W., and Wash. Danenhower, for S. D. Smoot, Alexandria, Va.

Very respectfully,

CARUSI, EVANS & CARUSI.

17.

WASHINGTON, D. C., *Sep. 11th*, 1890.

Hon. WILLIAM WINDOM,
Secty. of the Treas. and chairman of board:

D'R SIR: We have the honor to submit for a site for the Gov't Printing Office the south half of square 673, as per inclosed plat, fronting 273^3 feet on North Capitol and First st., east, and 782^4 feet on L street and intermediate street, containing about 213,772 sq. feet, for the sum of two hundred and fifty thousand dollars. We venture to submit this, although it is not in the limits named in your proposals for bids. The city will lay asphalt on N. Capitol this season to M st., and the building of the electric R. R on N. Capitol from B st., N. W., to Boundary will give ample facilities for transit. Material could no doubt be delivered on the railroad to the Capitol.

The tracks of the B. & O. R. R. are located on First st., N. E., and switches could be run into this square if desired. Sewerage facilities are ample.

Very resp'ly,

A. L. BARBER & CO.,
By J. PAUL,
Agents for Owners:
DAVID R. WINDSOR,
Washington, D. C.,
WILLIAM MAHONE,
Petersburgh, Va.

The foregoing bids were scheduled and the Board then proceeded to view by personal inspection the several pieces of property offered. On the 23d of September the Board met at the office of the Secretary of the Treasury, Hon. George S. Batcheller, Acting Secretary of the Treasury, being present and acting in behalf of the Secretary, and, after a

full consideration of the various propositions submitted, authorized the chairman to prepare and send a letter, of which the following is a copy:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., September 23, 1890.

C. A. SNOW, Esq.,
712 *Eighth street, northwest, city.*

DEAR SIR: The Board to provide accommodation for the Government Printing Office, having under consideration several parcels of land for such site, have examined the western half of square 678, owned by you. As required by statute, the Board is limited as to price "not above a fair relative value as to other lands which have been sold in the immediate vicinity."

Considering the price higher than the Board is authorized to pay, it is desired that you inform the Board at an early day the lowest price you will accept for said property.

The Board will meet at 11 o'clock Thursday morning, the 25th instant, to consider your answer to this request. Should you desire to be present on that occasion you are invited to do so.

Very respectfully,

GEORGE S. BATCHELLER,
Acting Secretary of Treasury,
Chairman of Board.

In addition to the foregoing authorization, the Public Printer was requested to ascertain and report at a subsequent meeting of the Board the price of any real estate sold recently in the vicinity of the Government Printing Office.

At a meeting of the Board, held on the 25th of September, Mr. C. A. Snow, owner of the west half of square No. 678, city of Washington, was present by invitation, and submitted an amended offer to sell the said property, together with affidavits of property owners in the imme diate vicinity of said square. Mr. Snow's amended proposition was as follows:

WASHINGTON, D. C., *September* 25, 1890.

Gentlemen of the Board of Selection of a
Site for the Government Printing Office:

GENTLEMEN: In response to your letter of recent date, I have the honor to state that, after consideration of the same and responding thereto, I submit the following amendment of the within proposal: I will sell the west half of said square 678, which contains in square feet 170,648 square feet, more or less, for the sum of $243,175. Said ground is bounded on the north by G street northeast, on the south by Massachusetts avenue and F street northeast, on the west by North Capitol street, and on the east by an unnamed street or alley 60 feet wide, along entire length of said tract.

Respectfully,

C. A. SNOW.

The foregoing proposition was accompanied by the following affidavits:

WASHINGTON, D. C., *September* 24, 1890.

DISTRICT OF COLUMBIA, *ss:*

I, Charles A. Shields, being duly sworn, do depose and say that as a real estate broker I sold to Messrs. Lane & Malnati lots 19 and 25 in square 679, containing about 12,862.67 feet of vacant ground, for $16,078 34, or $1.25 per foot cash, on or about February 17, 1890.

CHARLES A. SHIELDS,
1405 *F street, northwest.*

Subscribed and sworn to before me this 24th day of September, 1890.

WILLIAM M. SMITH,
Notary Public.

DISTRICT OF COLUMBIA, *ss:*

On this day, 24th of September, in the year of our Lord 1890, before me, the subscriber, a notary public in and for the District, personally appeared John Raedy, and made oath in due form of law, deposes and says that I offered the owner of lot No. ——, in square No. 677, the sum of $1.25 per square foot, and said offer was refused, the parties stating that they valued the lot at a higher price; that said offer was made in good faith.

JOHN RAEDY.

Subscribed and sworn before me.

CHARLES W. FLŒCKHER,
Notary Public.

DISTRICT OF COLUMBIA, *ss:*

On this 25th day of September, in the year of our Lord 1890, before me, the subscriber, a notary public in and for the District, personally appeared W. H. German, and made oath in due form of law, deposes and says that he had a client who was desirous of purchasing a corner property in the city of Washington; that in accordance with his desires deponent found a piece of property situated at the corner of Massachusetts avenue and North Capitol street, being lots Nos. 1 and 42, square 625, for which he offered the owner $2.50 per square foot, and which offer was refused, the owner holding said property at $25,000, being at the rate of about $4 per square foot.

W. H. GERMAN.

Subscribed and sworn before me.

JOSEPH ROY,
Notary Public.

The Public Printer reported that Mr. McDowell, corner of North Capitol street and Massachusetts avenue, had been informed that $2.50 per square foot had recently been offered for property at the corner of North Capitol street and Massachusetts avenue, which offer

had been declined; that Mr. McDowell had also knowledge of an option at the rate of $1.50 per square foot for property at the corner of E and North Capitol streets, the option to be accepted in sixty days or followed by a forfeiture of $1,000; that Mr. McDowell himself owns 7,000 square feet of ground at the corner of E and North Capitol streets, for which he had refused an offer of $2 per square foot. The Public Printer, in addition, reported that Mr. T. A. Rover, who owns considerable property in the vicinity of the Government Printing Office, values the said property at $2.50 per square foot, some of which property he had bought two years ago at the rate of $1.50 per square foot; that Mr. Rover had recently purchased the northeast corner of North Capitol and H streets for $6 per square foot, with improvements, and that he values the land, without the improvements, at the rate of $4 per square foot; that Mr. Rover represents that offers which he recently made of $3 per square foot for land opposite the Government Printing Office on North Capitol street had been declined.

After careful examination of all the bids and after all the bids which had been offered had been inspected personally by each member of the Board, a motion was made and carried unanimously for the acceptance of the amended proposition of Mr. C. A. Snow. The following articles of agreement were thereupon prepared, read, accepted, and signed by Mr. C. A. Snow, owner of the property in question, and by George S. Batcheller, Acting Secretary of the Treasury; Frank W. Palmer, Public Printer; and Edward Clark, Architect of the Capitol:

Articles of agreement, made and entered into this twenty-fifth day of September, A. D. one thousand eight hundred and ninety, between C. A. Snow, party of the first part, and George S. Batcheller, Acting Secretary of the Treasury, Frank W. Palmer, Public Printer, and Edward Clark, Architect of the Capitol, duly authorized hereto, on behalf of the United States of America, in pursuance of an act of Congress approved August 30, 1890, party of the second part, in the manner following:

The said party of the first part, in consideration of the sum of one dollar to him in hand paid, the receipt whereof is hereby acknowledged, hereby agrees to sell to the party of the second part the following-described real estate, situated in the city of Washington, District of Columbia, to-wit:

The western half of square numbered six hundred and seventy-eight, bounded on the north by G street, on the west by North Capitol street, on the south by Massachusetts avenue and F street, and on the east by the alley, sixty feet wide, as now laid out, for the sum of two hundred and forty-three thousand one hundred and seventy-five dollars ($243,175), which the said party of the second part hereby agrees to pay to the said party of the first part, in cash, upon the execution, acknowledgment, and delivery to the United States of America, party of the second part, of a proper deed for the conveyance and assuring to them of the fee simple of said premises, free from all incumbrances and with taxes paid to date, which said deed shall contain a clause of general warranty.

The title of the property hereby agreed to be conveyed shall be submitted to and be approved by the Attorney-General of the United

States, and all the terms herein agreed upon shall be complied with within five (5) days from the date hereof.

In witness whereof the parties to these presents have hereunto set their hands and seals this 25th day of September, A. D. 1890.

C. A. SNOW. [SEAL.]
GEO. S. BATCHELLER, [SEAL.]
Acting Secretary of the Treasury.
FRANK W. PALMER, [SEAL.]
Public Printer.
EDWARD CLARK, [SEAL.]
Architect of the Capitol.

Signed, sealed, and delivered in the presence of—
O. M. HENDLEY,
H. T. BRIAN.

Mr. Snow then presented an abstract of title to the west half of square No. 678, and the following letter to the Attorney-General was authorized to be presented to that officer, together with the articles of agreement and abstract of title:

WASHINGTON, D. C., *September* 26, 1890.

SIR: The Board to provide a Site for the Government Printing Office, authorized by the sundry civil law approved August 30, 1890, has the honor to transmit to you articles of agreement between C. A. Snow, the owner of the west half of square No. 678, in the city of Washington, and said Board, together with an abstract of title of said ground, and to request that you have the title examined, and if found good that you will have prepared the deed necessary to vest the title in the United States.

By order of the board.

Very respectfully,

GEORGE S. BATCHELLER,
Acting Secretary of the Treasury,
Chairman of the Board.

The ATTORNEY-GENERAL, *City.*

At a meeting of the Commission, held at the Treasury Department on Tuesday, December 2, the following resolutions were offered and adopted:

Resolved, That the President of the Board be instructed to communicate with the Attorney-General and ascertain whether the title to west half of square 678 has been perfected, so that the parties offering the same can convey complete and perfect title.

It was further resolved that, if not so perfected, the Attorney-General be requested to proceed as early as practicable to procure the property by condemnation, as authorized by law.

In accordance with the foregoing resolutions the Secretary of the Treasury addressed a communication to the Attorney-General in the following language:

TREASURY DEPARTMENT,
Washington, December 3, 1890.

SIR: At a meeting, held yesterday, of the Commission to secure a *Site for* a Building for the Government Printing Office I was instructed,

by resolution, to ascertain whether the title to the west half of square 678, which has been selected, has been perfected, so that the owners of the property can convey a complete and perfect title to the United States.

Respectfully yours,

W. WINDOM,
Secretary.

Hon. W. H. H. MILLER,
Attorney-General, Washington, D. C.

To the foregoing the Attorney-General made this response:

DEPARTMENT OF JUSTICE,
Washington, D. C., December 3, 1890.

DEAR SIR: Your note of this date, in reference to the property under consideration for the Government Printing Office, viz, the west half of square 678, is received. The title has not been perfected.

Yours, truly,

W. H. H. MILLER,
Attorney-General.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

The efforts of the Commission to obtain a title to the property heretofore described, by negotiation, having failed, the Chairman of the Board asked the Attorney-General to commence proceedings to procure the same by condemnation. The following is a copy of the letter addressed to the Attorney-General:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 4, 1890.

SIR: In view of the fact, as stated in your letter of the 3d instant, that the title to the west half of square 678, which has been selected as a site for the Government Printing Office, has not been perfected by the parties offering to sell the same to the Government, I am instructed, by resolution of the Commission, to ask that proceedings may be instituted as early as possible to procure said property by condemnation, as authorized by law.

Respectfully yours,

W. WINDOM,
Secretary.

Hon. W. H. H. MILLER,
Attorney-General, Washington, D. C.

By the terms of the act under which the Commission were appointed they were authorized to acquire suitable ground for a site for the Government Printing Office by negotiation or condemnation. They were not required to advertise for proposals; but, in order to prevent even the appearance of partiality or unjust discrimination, they authorized the public notice to owners of real estate, a copy of which is furnished in another part of this report. They fixed the boundaries therein described, for the following reasons:

First. Because they believed the public interest would be served by

selecting, if possible, a site adjoining or adjacent to the present Government Printing Office.

Second. Because facilities for prompt communication between the Capitol, the several Executive and Judicial Departments, and the Government Printing Office require that the latter shall be at as short a distance from all of the former as possible.

Third. That the property to be purchased should be of such increased area in comparison with the site of the present building as would meet the requirements of this branch of the Government service for the present and a reasonable period in the future.

Fourth. Because the land selected is nearer to all railroad and steamboat lines than the site of the present building, and would thus diminish time and expense in freight transportation.

It will be seen at a glance that the consideration of nearness to the Capitol and the several Departments precluded the practicability of selecting a site north of H street, because such a selection would have increased rather than diminished the distance between the several objective points. The boundary of First street east was as far east as was deemed practicable, without imposing upon employés and the public the necessity of crossing and recrossing the tracks of the Baltimore and Ohio Railway. Ninth street, on the west, and B street north, on the south, were fixed as boundaries in those directions, so that no undue advantage might be taken by property-holders of the general purpose of the Commission to make a selection as near as possible, all other considerations being equal, to the vicinity of the present plant.

The Commission have taken especial pains to investigate the character of the soil on the tract selected, with reference to its fitness for a foundation for the proposed building, and from all sources of information at their command are convinced that a good foundation may be established thereon at a reasonable cost.

The Commission, when they signed in behalf of the Government the articles of agreement herein transmitted, entertained the hope that they might announce the purchase of this property, with good and sufficient title, by negotiation, and thus facilitate the praiseworthy movement inaugurated by Congress for the construction of a fireproof Government Printing Office. But complications affecting the question of title have arisen, so that the Attorney-General has not thus far been able to report exclusive and valid ownership in Mr. Snow, and by unanimous vote of the board the Attorney-General has been requested to commence proceedings for condemnation of the property at the earliest day possible.

The area of the present site of the Government Printing Office is, in round numbers, 66,000 square feet. The site selected by the Commission embraces more than 170,000 square feet, or nearly three times the area of the site now in use.

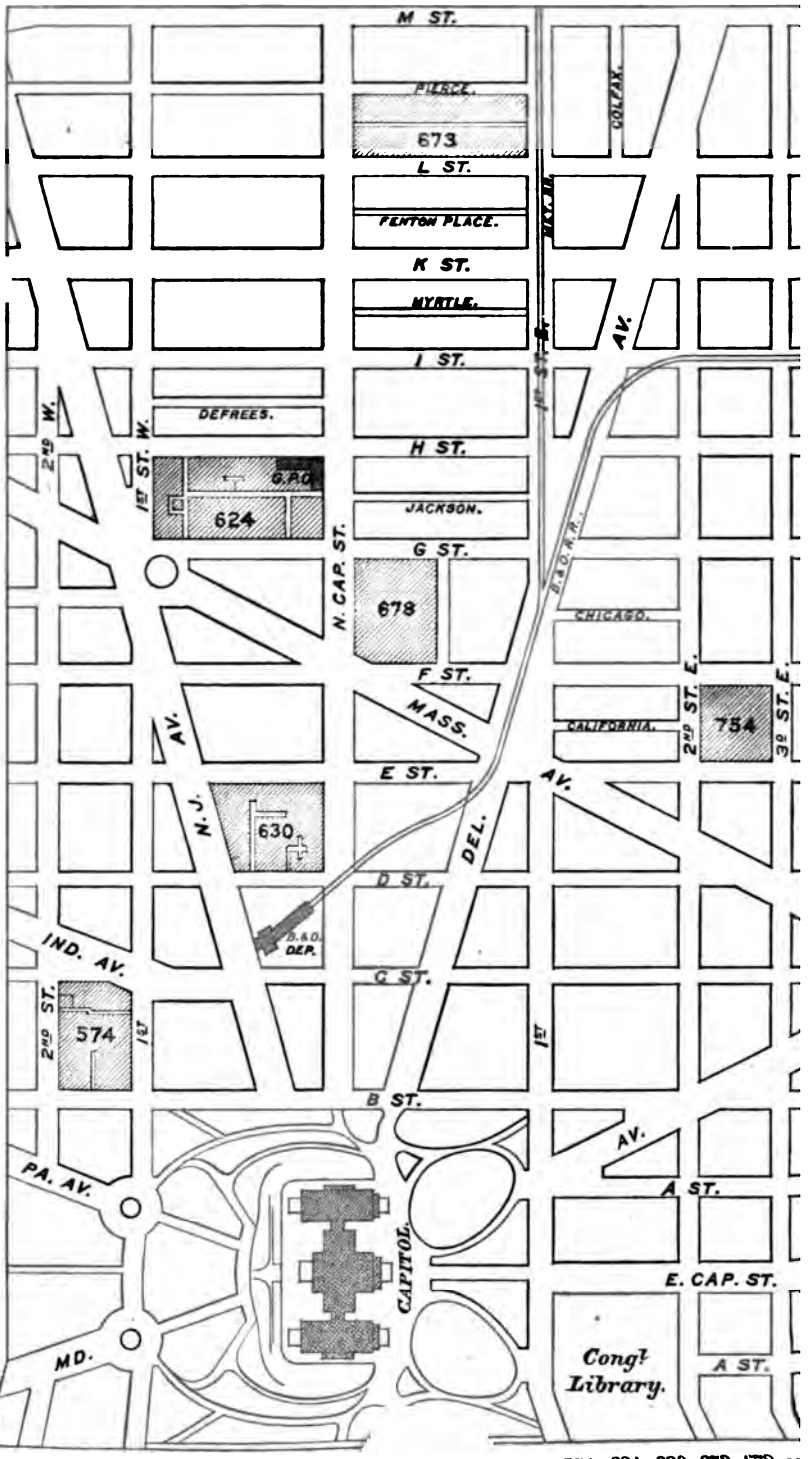
For convenience of reference, a diagram showing the location of blocks of land in which are located tracts and lots offered as sites for the Government Printing Office is herewith furnished; also, a tabular statement showing the names and numbers of lots and blocks and the prices at which the several pieces of property were offered.

All of which is respectfully submitted.

WILLIAM WINDOM,
Secretary of the Treasury.
F. W. PALMER,
Public Printer.
EDWARD CLARK,
Architect U. S. Capitol.

WASHINGTON, D. C., *December* 8, 1890.

Diagram showing location of property offered as sites for the Governm Printing Office.



The squares in which the propert

Nos. 574, 624, 630, 673, 678, a

Schedule of bids received for sites for the Government Printing Office.

	Agent and owner.	Square.	Lot.	Square feet.	Price per square foot.	Amount.	Improvements and price.	Total.	Remarks.
18	Plant & Turpin, 1429 New York avenue.	574	1	40,384	$1.84+		Including improvements.	$74,691.00	Situated between First and Second streets, W., and B and C streets and Indiana avenue, N. W.
	Owners: Samuel Emery, Matthew G. Emery, Thos. W. Smith, estate of W. W. Corcoran, E. A. Dovilliers, Eugene Carusi, Emily N. Meloy, Anton Eberly, Louis H. Schneider, A. L. and John M. Eshleman.		A to F of 3, sub f. of 3, b. g., 420, R. and S.	66,216	1.93+		do	127,808.80	
			O, P, and Q	11,034	4.66+		do	51,500.00	
			M and N	4,359	2.73+		do	11,919.50	
			13	2,101	3.92+		do	8,252.50	
			12	2,101	4.16+		do	8,752.50	
			11	2,101	5.71+		do	12,000.00	
			9	2,101	5.37+		do	11,303.00	
			18	1,065	5.73+		do	6,102.50	
			19	1,065	5.73+		do	6,102.50	
			17	1,151	10.42+		do	12,000.00	
				133,678	*2.47+			330,432.50	
12	Carusi, Evans & Carusi	630		45,241	2.21+	$100,000.00		100,000.00	Between D and E streets and New Jersey avenue and North Capitol street, N. W., containing about 190,000 square feet. See bid.
	Owners: Acker Bros., A. Carry, M. Thomas, S. M. Plumley.			36,000	1.50	54,000.00		54,000.00	
				4,400	4.54+	20,000.00		20,000.00	
				7,056	2.83+	20,000.00		20,000.00	
				92,707	2.09+	194,000.00			
11	Fish & Miller, agents, 1218 F street.	630	Part of lot 4	3,250	1.60	5,200.00		5,200.00	22 feet on New Jersey avenue by 147 feet.
	Owner: Morris Keim, Springfield, Md.								
17	A. L. Barber & Co., by J. Paul, agt.	South ½ 678		About 213,772	1.16+	250,000.00		250,000.00	273² feet on North Capitol and First streets, E., and 782⁴ feet on L street and intermediate street.
	Owners: David R. Windsor, Washington, D. C.; William Mahone, Petersburgh, Va.								
14	C. A. Snow, owner, 710 Eighth street, N. W.	West ½ 678	3,4,5,6,7, and 8	150,000	1.50	225,000.00		225,000.00	See bid.
				170,674½	1.46+	249,700.00		249,700.00	Amended offer.
				170,648	1.42+	243,175.00		243,175.00	
15	Fish & Miller, agents, 1218 F street.	East ½ 754		58,317½	1.00	58,317.50		58,317.50	164 feet 8½ inches on E and F streets, N. E., by 348 feet on Third street.
	Owner: D. A. Windsor, of Alexandria.								
16	Carusi, Evans & Carusi	754		114,637	1.25	143,296.25		143,296.25	Between Second and Third and E and F streets, N. E.
	Owners: Dr. L. W. Ritchie, 3259 M street, N. W., David A. Windsor, and Wash. Danenhower, for S. D. Smoot, Alexandria, Va.								

NOTE.—The figures in black were supplied by the Board.

* Including improvements.

Schedule of bids received for sites for the Government Printing Office.

	Owners.	Square.	Lot.	Square feet.	Price per square foot.	Amount.	Improvements and price.	Total.	Remarks.
5	Andrew Gleeson and Ellen Gleeson, 802 First street, N. W.	624	A, B, 1, 2, and 3.	14,170	$3.00	$42,510.00	$20,000	$62,510.00	North Capitol street, corner Jackson alley.
3	Mary E. Harvey, 27 G street, N. W.	624	11	1,392	2.00	2,784.00	1,000	3,784.00	G street, between First and North Capitol streets, N. W., 16 feet front on G street by 87 feet deep.
4	John F. Kelly, 31 G street, N. W.	624	East part of lot 13.	2,804	2.50	7,010.00	Including improvements.	7,010.00	
		624	East part of lot 25.	2,804	2.25	6,309.00	Including improvements.	6,309.00	
1	Timothy Costello, 35 G street, N. W.	624	35 G street, N. W.	5,600	2.00	11,200.00	Including improvements.	11,200.00	Fronting 32 feet on G street.
2	John G. Wolfe, 305 H street, N. E.	624	15	4,206	2.25	9,463.50	Including improvements.	9,463.50	
	Alexander Bruce, 45 G street, N. W.	624	Parts of sublots 19 and 20.	3,000	2.00	6,000.00	Assessed value. [$400.]	6,400.00	
	D. Connell, 741 First street, N. W.	624	43	4,206	2.25	9,463.50	4,000	13,463.50	
7	John J. Fuller, 58 H street, N. W.	624	44	4,206	2.25	9,463.50	6,000	15,463.50	
		624	45	4,206	2.25	9,463.50	4,000	13,463.50	
8	John Elbert, 54 H street, N. W.	624	46	3,000	2.25	6,750.00	3,000	9,750.00	
10	M. Gorman, 823 Second street, N. E.	624	Sublots 81 and 82.	6,660	1.75	11,655.00		11,655.00	
				56,254	*3.03+			170,472.00	

NOTE.—The figures in black were supplied by the Board.

* Including improvements.

SITE FOR GOVERNMENT PRINTING OFFICE.

TESTIMONY TAKEN BEFORE THE SENATE COMMITTEE ON PRINTING, RESPECTING THE CHARACTER OF BLOCK 678, THE SITE PROPOSED BY THE COMMISSION APPOINTED TO SELECT A SITE FOR THE NEW GOVERNMENT PRINTING OFFICE, AS TO ITS SUITABILITY FOR SO LARGE A BUILDING.

UNITED STATES SENATE, COMMITTEE ON PRINTING,
Washington, D. C., January 6, 1891.

Committee met pursuant to the call of the chairman.

Present: Mr. Manderson (chairman) and Mr. Gorman; also the Public Printer, Jeremiah M. Wilson, esq., S. T. Thomas, esq., Edgar Allan, esq., Mr. C. A. Snow, and others.

The CHAIRMAN. Gentlemen, a majority of the committee being present, we will proceed to this investigation. Under the resolution of the Senate we feel that the extent of the inquiry should be as to the fitness of block 678, or the half thereof, that is proposed for the site of the new Government Printing Office, for structures of the character needed for that purpose, the idea being to get at the actual personal knowledge of witnesses in regard to that matter. On consultation with Senator Gorman, we have concluded to call first those whose names have been given to us who are acquainted with this site and have given it such examination as will enable them to speak as to its fitness for the purposes intended.

TESTIMONY OF THOMAS B. ENTWISTLE.

THOMAS B. ENTWISTLE sworn and examined.

Examined by the CHAIRMAN:

Q. Will you state your full name, residence, and occupation?—A. Thomas B. Entwistle; residence, Washington; occupation, inspector of buildings of the District of Columbia.

Q. How long have you lived in the city of Washington?—A. Since 1842.

Q. Are you familiar with the west half of block 678, in the city of Washington?—A. I am pretty well acquainted with its general situation.

Q. Have you made an examination of the west half of that square with a view of deciding as to its availability as a site for heavy structures such as would be needed for a Government Printing Office and for warehouses for the storage of crude and finished material?—A. Yes,

sir. In company with Mr. McComb I made an examination of it. There were several shafts sunk, and we examined the nature of the earth at the bottom of the shafts. There is a report of ours here that gives the depths of those shafts at different points.

Q. I have here a letter written by you which gives these depths. You can refer to that letter for the purpose of refreshing your recollection as to the depth of these different shafts. [Letter handed to witness.]—A. Yes, sir; that is correct.

Q. Read it, please, so the reporter can get it.—A. (Reading:)

This is to certify that we have examined the character of the earth in the various shafts sunk in the west half of original square 678 and find the original earth at the following depths: Northeast corner, 12 feet, 6 inches; northwest corner, 6 feet, 6 inches; southeast corner, 12 feet; southwest corner, 4 feet; center of lot, 6 feet, 6 inches; 50 feet southwest of northeast corner, 12 feet. The northeast and southeast corners are compact gravel; the southwest and northwest corners are loamy sand. The character of either, at the above depths, is sufficient, with properly constructed foundations, to carry a heavy structure. We are satisfied from the inspection that quicksand will not be found in any portion of the square.

Q. Have you anything further to add to that statement that you have written?—A. I will state in connection with that that I built the Government Printing Office, as far as the front on North Capitol and H streets is concerned, and I found the same soil there that exists on the west half of this square. The soil on the west half of square 678 is loamy sand, and that is the character of the earth under the old Printing Office. The foundation has carried that building without a particle of settlement at any point.

Q. What do you know as to the west half of this square in question being upon the bed, in part or in whole, of what was formerly known as Tiber Creek?—A. My knowledge is that the branch ran at the east side of the west half of the square; that is where the extra depth is, and that is where we found the gravel bottom; that is the bottom of the old creek.

Q. At what depth did you find the bottom of the old creek?—A. At a depth of 12 feet and 6 inches.

Q. Take it at that point, is there any reason, in your opinion as an expert, why there should not be found a proper foundation for a structure such as that described?—A. That is as good a character of earth as you can build on.

Q. Do you know anything of the sewerage in that locality?—A. I am not so familiar with it as Mr. McComb, he being superintendent of sewers.

Q. Do you know whether there is a sewer on any part of this square?—A. Not to my knowledge. I think the main sewer runs down North Capitol street and branches before it reaches the square.

Q. Do you think there is anything in this block, in the character of its filling, or its situation in any regard, that would prevent its carrying in safety buildings such as described, with proper foundations?—A. In building there it would be necessary to go down to the original earth, as I stated before. If you go down to the original earth, it will carry any structure.

Q. In your opinion, would piling be necessary in any part?—A. Not at all. A good concrete foundation there of sufficient width would carry any structure you could put on it.

By Mr. GORMAN:

Q. According to your judgment, how deep would you have to go there for a foundation?—A. To the depths stated in my letter.

Q. What depth is that—12 feet?—A. Twelve feet on the east side and about 6 feet on the west side.

Q. Would you not have to go below the original earth for a foundation?—A. Not necessarily; the original earth is sufficient for the foundation.

Q. Would that be below the point of overflow in high water?—A. I think not.

Q. How high is the surface above tide?—A. I do not know; Mr. McComb could give that information better than I could.

Q. Did you make any inquiry in regard to that?—A. No, sir; my examination was principally as to the nature of the earth.

Q. Have you no personal knowledge of the height of that section above tide?—A. No, sir.

Q. Is it not frequently overflowed?—A. Not the surface; I have never known the surface to be overflowed.

Q. You say the Tiber runs through only the northeast corner of it?—A. I said the east side of it. It runs very nearly parallel with it, to the best of my recollection.

Q. How far from the center of the square?—A. On the eastern edge of the western half of the square.

Q. Did you refresh your recollection before making this report by examining any of the old maps of Washington showing the location of the Tiber before the construction of the sewer which is there now?—A. Yes, sir.

Q. Does not map (Hopkins's map of Washington) show that the Tiber branched, and that the two branches ran through square 678?—A. That is not my recollection from my examination of the map.

Q. Have you ever examined the Boschke map of 1857, which is the one that controls everything relating to that period?—A. No, sir.

Q. Did you ascertain from your boring that there were two branches of the Tiber in that square?—A. We only found the one on the east side, which I have described. There were three shafts sunk on that side, about the same depth, to the original soil.

Q. Would you put a building on the bed of the old Tiber?—A. Yes, sir; I would.

Q. Do you mean to tell the committee that in making a report on this subject, which is a matter of so much importance, you made no reference to the maps of the city to see what portion of this block the Tiber originally occupied?—A. No, sir; we only took into consideration the nature of the earth in the shafts.

Q. Is it not a fact that in all the tidal streams in this vicinity you frequently meet with a deposit of gravel, and then under that quicksand, so that it is not safe to put a building upon it without an examination below the deposit of gravel?—A. No, sir; I never experienced that, and I have been in the building business here for forty years.

Q. You came to your conclusion by simply boring three or four holes?—A. Not by boring holes. They were excavated so that we could get down in them and examine the soil and take it out with a shovel.

Q. Will you indicate on this map (Hopkins's map of Washington) about the location of the shafts?

The CHAIRMAN. (Producing paper.) Here is a plan showing the block. Here is north Capitol street [indicating], here is G street, here is F street, and here is the alley. (See diagram A, appendix.)

(Witness marks the location of shafts on diagram.)

By Mr. GORMAN:

Q. What corner is that you have marked?—A. The northeast corner Here is the southeast corner [indicating].

Q. How far from the corner is the shaft located in each of those cases?—A. I suppose about 12 feet; something near that.

Q. Then these shafts are about 10 feet from the street on either side?—A. Yes, sir.

Q. Except the one in the center?—A. Yes, sir.

Q. In which shaft did you find the bed of the old stream?—A. On this east line, about here [indicating].

Q. Both of those shafts on the east line struck the bed of the old stream?—A. Yes, sir.

Q. How was it in the center? Did you get to the bed of the stream there?—A. No, sir; we struck loamy sand in all except these two on the east line.

Q. How far did you go down in the center shaft?—A. Six feet.

Q. And you found loamy sand in the bottom of the center shaft?—A. The bottom was of loamy sand.

Q. How do you account for the fact that you had to go only 6 feet to find the bed in the center?—A. On account of the irregularity of the original earth, which dipped down to this creek.

Q. Would it make any difference in your opinion if it was shown afterward that the Tiber had a branch that ran through the center of this block toward the present printing office?—A. No, sir; I do not think it would. The branch would not be as deep as the main stream.

Q. Why not?—A. Because a branch is never as deep as the main stream.

Q. There is not much difference, is there?—A. I do not think there is. The character of the soil does not show it at all.

Q. What would you say if any number of gentlemen who were familiar with that locality should testify from their personal knowledge that there was quicksand both in the main stream and in the branch stream?—A. I should think they would have to define its character and where they found it. I do not think there is any there.

Q. You think there is but one stream running through the square?—A. From the nature of the soil I think there is but one.

Q. (Producing map.) Here is a certified copy, from the Coast Survey, of Boschke's map of Washington. Do you know anything about that map? (See plat B, appendix.)—A. No, sir.

Q. Did you ever see that map [handing map to witness]?—A. No sir. That must have been a very trifling branch. We did not see it in the excavations. That was 4-foot excavation at the corner.

Q. Do you say that you do not recognize that as a standard map of the city?—A. I do not know. There are a great many maps, and I do not know whether that is a standard map or not.

Q. For your information I will state that that is a map prepared by the Coast Survey, the one the Government relies upon for Washington It is certified by Mr. Colonna, who is the Assistant of the Coast Survey and I ask you to look at it and explain where the Tiber ran through this block.—A. (After consulting map.) That is just about where we designated it. Those deep shafts were on the east half of the square We did not find anything to indicate this branch at all [pointing to map], but we did find this.

Q. Did your boring come, as near as you can make out, where that branch is located?—A. There is a shaft in the southwest corner

another in the northwest corner, and another in the center, and there is nothing to indicate there was a branch there.

Q. So, if that map is correct, your boring in that section of the square does not really convey the fact?—A. It does not convey the fact of the existence of that small branch. It does indicate the location of the large one.

Q. As a builder would you not think it was wise to make a further examination to see whether the Tiber had a branch there?—A. It might possibly be necessary; but if you take the depth of the east side of the block for the depth of your foundations you will certainly go below the bed of the branch.

Q. If you went below the bed of the branch would you not be constantly in danger of being overflowed by high water?—A. The filling there would prevent that, I think.

Q. What do you mean by "filling"?—A. The square has been filled, and the old branch has been filled. There is a sewer there to take the water off, and I do not think it would have any effect on this block.

Q. Is the bottom of that sewer below the bed of the old stream?—A. I do not know what the depth of that sewer there is. Mr. McComb can inform you on that point.

Q. Do I understand you to say that you have made the report upon this block without having examined any of the well-authenticated maps of the city to ascertain exactly its condition?—A. I examined the map of the city as far as the Tiber ran. The map I had, made by Mr. Forsyth, did not indicate that there was a branch.

Q. Have you come to a conclusion that it is a proper place to construct a building without ascertaining that the sewerage is such as to prevent an overflow of the foundations of the building?—A. That depends upon the depth to which they intend to carry the interior of the building.

Q. That is the very object of your examination, to find what depth it was necessary to go. You say you struck gravel at a depth of 12 feet and 6 inches, and that you would not have to go below that for a good foundation. Is that your opinion?—A. Yes, sir.

Q. If you went down 12 feet and 6 inches, would that give you elevation enough to carry your sewerage and give proper drainage?—A. The trenches of the foundation would be filled to some extent above that 12 feet and 6 inches, according to the kind of basement or cellar they might want. I suppose the drainage would be sufficient for an ordinary cellar.

Q. Did you ascertain that?—A. No, sir; I only examined to ascertain the nature of the soil.

Q. You did not take into consideration the question as to whether after the building was constructed it would be properly drained or whether it would be overflowed?—A. No, sir. Mr. McComb can answer in regard to that.

Q. That did not enter into your investigation at all?—A. No, sir.

Q. So that, in fact, you do not say more than that you sank five or six shafts, and that you determined from them that 12 feet and 6 inches was the greatest depth you would have to go to reach the natural soil, and that in those shafts you did not find any quicksand?—A. No, sir; not a particle.

Q. That is all you undertake to say, as I understand you?—A. Yes, sir; from my knowledge of the nature of the ground in that locality. Having built the old Government Printing Office I knew what the

nature of the soil was. It was precisely the same as that on the west side of that square.

Q. How can you say that, when the fact is that the present Government Printing Office is located 400 feet or so from the Tiber, as laid down on this map, a copy of which I have just shown you? Do you mean to say that the character of the soil would be exactly the same right on the banks of the Tiber as it would be 400 feet off?—A. I could not say that. I know the soil on the west side of that square is exactly the same as the soil under the Government Printing Office; I had those trenches excavated, and recollect all about it.

By the CHAIRMAN:

Q. What was the size of these test pits?—A. They were about 6 feet long and 2½ feet wide, on an average; they were large enough for men to work in them.

Q. Were they sufficient in size and depth to satisfy you, as a building expert, that this ground was capable of sustaining the foundation of a heavy building?—A. Yes, sir.

Q. Where do you see on this alleged copy of the Boschke map where there was——

Mr. GORMAN (interposing). That is certified by the Coast Survey.

The CHAIRMAN. We will call it a certified copy. (To witness.) Where do you see upon this any evidence of the branch of the Tiber?

The WITNESS (consulting map). Here is the branch [indicating].

By the CHAIRMAN:

Q. What do you understand to be the distinction between the dotted lines and the connected lines?—A. I do not know, except to show it was a shallow branch turning in here [indicating].

Q. Is not that the usual mark of an engineer to show a dry ravine to carry off surface water?—A. Yes, sir.

Q. It does not signify that there was a branch there?—A. No, sir.

Q. What character of stream was the Tiber in those days, as shown by the connected lines upon this sheet, where it ran through the west half of the block?—A. It was an open stream. I do not suppose it was over 10 feet wide. It had shelving banks.

Q. How much water ran through it?—A. Sometimes there were pretty big floods.

Q. I mean in ordinary seasons.—A. During ordinary seasons I do not suppose there was more than 15 or 18 inches of water in the stream. That is my recollection of the old branch.

By Mr. GORMAN:

Q. Was it not marshy around that immediate vicinity?—A. Not as I recollect it. A sandy soil is never marshy when you have gravel below. It is only a tight clay bottom that is marshy. For that reason this ground could not well be marshy.

By the CHAIRMAN:

Q. Is this draught of the block that we have made (Diagram A) sufficiently accurate, or would you prefer to correct it?—A. It is sufficient, I think. It gives the depths at the different points.

Q. These circles you have made show the shafts?—A. Yes, sir.

Q. And the figures by the side show the depth that you went to find the original soil?—A. Yes, sir. Mr. McComb accompanied me. I suppose he will make a statement in regard to the matter.

TESTIMONY OF DAVID E. McCOMB.

DAVID E. MCCOMB sworn and examined.

By the Chairman:

Q. Will you please state your name, residence, and occupation?—A. David E. McComb; residence, Washington, D. C.; occupation, civil engineer, at present in the employ of the District of Columbia as superintendent of sewers.

Q. How long have you resided in Washington?—A. Since 1856.

Q. How long have you been familiar with the sewerage system of Washington?—A. Since 1874.

Q. Do you know when the sewer known as the main sewer on North Capitol street was built by the city?—A. My recollection is that the portion of it near the square in question was built in 1874–'75.

Q. Will you describe the position of the sewers with reference to the west half of block 678?—A. The North Capitol street sewer occupies practically the central portion of North Capitol street by a width of some 30 feet from out to out. North Capitol street is 130 feet wide there. The northeastern branch of the Tiber sewer goes across the squares south of square 678 to F street, and thence follows F street to the eastern section of the city. Those are the two main sewers in that locality.

Mr. GORMAN. Please state that again.

The WITNESS. The North Capitol street sewer occupies the central space of the street by a width of 30 feet from out to out. The northeastern branch of the Tiber sewer follows the line of F street northeast from its junction with the Tiber sewer at the intersection of E and North Capitol streets, crossing the block south of square 678. Those are the two main sewers.

By the CHAIRMAN:

Q. Then there is a lateral sewer, is there not, running down the alley on the east side of the west half of block 678?—A. There is a pipe sewer which I think is 15 inches in diameter, running in the middle of the alley or substreet.

Q. Which is the main sewer, the one known as the Tiber sewer or the one that runs up F street?—A. The Tiber sewer ends on the north at E street and North Capitol street. At that point it branches, one branch going northward on North Capitol street and the other branch going toward the east, up F street as far eastward as Thirteenth street, and the Tiber sewer increases in size at that point southward.

Q. Do I understand you to say that the Tiber sewer proper begins at E and North Capitol streets?—A. The north end is there; the south end is at G street southwest.

Q. What is the depth of the sewer below the surface on North Capitol street?—A. At F street, according to my recollection——

Q. (Interposing.) Would this map aid you (Plat B)?—A. That will show it. It is my recollection that it is about 12 feet above the datum plane, which was supposed to be the mean high water in the river. It is not exactly, but substantially that.

Q. What is the depth of the bottom of the sewer at the corner of G and North Capitol streets?—A. It is probably a foot or a foot and a half more. I do not remember the precise elevation; but it is between 12 and 15 feet.

Q. Do you know the depth of the pipe sewer that runs through block 678?—A. No, sir; I do not know that.

Q. Do you know the depth of the lateral sewer on F street, which runs through block 680?—A. No, sir; but the elevation of that is not far from that of the North Capitol street sewer. It is probably a little more. It is a smaller sewer, and would be given a larger gradient.

Q. Is there any sewer running through block 678?—A. No, sir; no regular sewer. There may be a lateral sewer connecting with the base-ball grounds, or something of that kind.

Q. Do you know the location of what was known as Tiber creek before it was put under ground?—A. Yes, sir; I have a general knowledge of its location. I have lived within a few blocks of it since 1859.

Q. Where did it run with reference to the west half of block 678?—A. My recollection is that the main branch of the Tiber extended through the southeast corner of block 678, and it did not exist at all as a running, living stream in the northeast corner, but that it crossed the block to the northward of block 678, through the eastern half of the block. I know there was a sufficiently wide space between North Capitol street and the banks of the stream to play baseball there, for I played baseball there when I was a boy. There was sufficient ground there for that purpose.

Q. What do you know as to the extent of the fill upon the west half of this block, if there has been any?—A. My recollection before I inspected these test pits was that on the east half there was about 10 feet of fill. That is my general recollection. It appears from examination to be more, averaging about 12 feet on the east half of the block.

Q. Did you examine the test pits that were made lately on this block for the purpose of ascertaining the character of the soil and its capability for foundation purposes?—A. Yes, sir.

Q. How many test pits were dug?—A. Six.

Q. What was their size?—A. On top, I should say they were probably 15 feet long, and as they approached the bottom they were probably 5 or 6 feet long.

Q. How wide were they?—A. About 2½ feet wide.

Q. Were they sufficient, in your opinion as an expert, to enable you to decide as to the character of the soil and its capability for foundation purposes?—A. I think they were.

Q. When did you make the examination?—A. I think it was two weeks previous to last Saturday.

Q. About three weeks ago?—A. Yes, sir.

Q. Who was with you when you made the examination?—A. Mr. Entwisle, Mr. Smith, and Mr. Snow, and two or three colored men who dug the holes.

Q. Was Mr. Clark, the Architect of the Capitol, there at any time while you were making the examination?—A. No, sir.

Q. Will you state the depth of these test pits and describe the character of the soil and its capabilities for foundation purposes?—A. The three test pits on the east side were of about the same depth, 12 or 12½ feet, and the soil extended below that point was a very hard, compact gravel, which gave evidence, from using bars or picks upon it, that it was very firm and of exceptionally good character. The pit in the middle, and the two on the west side, reached a yellowish, loamy clay, which is similar to the material overlying a large portion of the north side of Capitol Hill, and similar to that found in excavating the foundations for Admiral Wilkes' houses. It is a good material for foundations.

Q. Will you look at the little plat I have made and say whether the

pits are fairly located upon it and whether the statement as to their depth is correct [hands witness diagram]?—A. Yes, sir; that agrees with my recollection of the depths. Mr. Entwisle kept the notes, but I remember the facts very well, and the depths and the location are about as he has put them.

Q. What evidence is there that there is quicksand in this lot?—A. There is no evidence that could be found on examination.

Q. What is your opinion, basing it upon your experience in work of this character, such as digging sewers and making excavations for foundations, as to whether quicksand would be found upon this lot?—A. It is my belief that quicksand will not be encountered there, because quicksand is rather a rare thing to be met with in this section of the city; in fact, there is very little quicksand around Washington anywhere.

Q. In your opinion would it be necessary to pile to get a foundation in any part of this lot?—A. It would not.

Q. In your opionion, is it capable of supporting heavy structures such as would be required for the uses of the Government Printing Office and for storage warehouses?—A. It would, in connection with proper foundation walls.

By Mr. GORMAN.

Q. What do you mean by that?—A. I mean to say that if you put in a wall of poor construction it would settle. You would have to vary the width of the walls, depending on the portion of ground you build upon.

By the CHAIRMAN.

Q. Is not that true of any foundation?—A. Yes, sir.

Q. Is there anything exceptional in the character of the soil on the west half of this square as compared with that of any other building site in Washington with which you are familiar?—A. I think not. I think the chances of finding a good foundation there are excellent, and the result of our examination was very satisfactory in that particular.

Q. Do you know, from observation at the time of the filling, or from an examination of the earth that was thrown out of the test pits, as to the character of the soil that was placed upon this lot when it was originally leveled up?—A. A portion of the western half was above grade, and a small amount of earth was taken from that part and thrown onto the eastern half, but a large amount of the material in there is rubbish.

Q. There were some portions of the lot above grade?—A. The western portion was.

Q. And that earth was leveled off and thrown onto the lower part?—A. Yes, sir.

By Mr. GORMAN:

Q. You say you reside in that neighborhood, or at least that you are familiar with it. Is it not a fact that prior to the construction of the sewer that ground was used as the dumping ground for the garbage, offal, and night soil of the city?—A. I do not know that night soil was ever dumped there, but I know that some very poor material was dumped on that ground—material that it would not be proper to build a foundation upon. You must go to the original earth to get a good foundation.

By the CHAIRMAN:

Q. You would do that in building on any lot, no matter what it was

filled with?—A. No, sir; I would not say that, because you might find a good gravel filling that it would not be necessary to go through if it had been there any considerable length of time.

By Mr. GORMAN:

Q. Have you in your office any map that you regard as accurate, showing the condition of this ground prior to the construction of the sewer that now carries off Tiber Creek?—A. There is no map in the office that I consider accurate. There are several maps, but there is a great deal of fanciful work upon them.

Q. Do you mean to say that you have in the District office no map that you can rely upon, showing the course of this stream and its surroundings?—A. That is what I mean to say; that is a fact. The maps may be and may not be accurate. The Enthoffer map will show the stream, and probably the Boschke map will show it; but we all know that those maps have a great deal of work upon them that was wrought out in the imagination of the makers of the maps.

Q. You amaze me when you say there is no map of Washington prior to 1870 that you can rely upon.—A. There is no map showing these topographical features.

Q. How as to the Coast Survey map?—A. I do not think the Coast Survey people have any map. I do not know of any.

Q. Do you mean to say that you have been connected with the District government for so long a time—a great many years—and that you do not know of any reliable map showing the whole conformation of this city?—A. No, sir; I do not, because no such map exists or ever did exist.

Q. Is there no map that you rely upon and constantly consult in the conduct of your work in the District?—A. There are maps that show lot lines and things of that sort; but the maps showing the topographical features of the District were unfortunately very inaccurate.

Q. Was there no map made showing the Tiber and its course when the sewers were constructed by the Engineer Corps?—A. That was constructed under the board of public works, and there may be maps made at that time; but those maps are not in existence. I have never seen those maps that were constructed prior to the adoption of the present form of government. The maps made by the board of public works were very imperfect, and a large portion of the records are not to be found, and were not to be found in 1874, when I became connected with the District government.

Q. Have you in your office any map showing the course of this stream and covering this section of the city that you rely upon and consult?—A. We would take the Enthoffer map, and probably the Boschke maps, as evidence in that direction; but we would not rely upon them with any great degree of confidence.

Q. Can you furnish to the committee a tracing of this section, showing the Tiber as far as the Government Office, from the Boschke map or any other map you have in your office that you ordinarily consult, something on the order of the one I have here (referring to Plat B)?—A. Yes, sir; I could make it from the Enthoffer and Boschke maps.

Q. I ask you to look at that map and indicate the course of the Tiber as far as you can.—A. That shows the stream about as I recollect it.

Q. Describe it so the stenographer can get it.—A. This shows the stream cutting across the southeast corner of the west half of block 678, and entirely outside of the block at the northeast corner and in *the north* part of the center of the west part of block 678. The divi-

sion line is not shown on this map, but by gauging it with my eye it shows it in that way.

Q. What else does it show?—A. It shows a small, dry ravine, evidently going up partly into the block on the west side, about the middle of the west half, and ending about the middle of the block.

Q. What indicates that it is a dry stream?—A. The dotted lines, a topographical sign showing a ravine or gulley washed by surface water.

By the CHAIRMAN:

Q. Surface water that runs into the stream?—A. Yes, sir.

By Mr. GORMAN:

Q. And showing the absence of a running stream?—A. It was not a living stream. The living stream was on the east side.

Q. If this structure were put up on that square, it would be necessary to go down an average of 12 feet 6 inches, according to your judgment?—A. Yes, sir; it would be necessary to go that deep for the foundation.

Q. And how much below that?—A. I do not think there is any necessity of going below that; in fact I do not think it would be advisable to go any deeper, as you would get nothing better below that.

Q. If you went that deep how would you drain the cellar?—A. It would not be advisable to have the floor of the cellar as low down as the bottom of the foundation walls, because you could not properly drain it into existing sewers. The floor of the cellar would necessarily be above that.

Q. How much above?—A. I do not know because I have not taxed my mind with the levels of the sewers there. It would depend on the level of the Tiber sewer or the F street sewer, whichever you might wish to drain your cellar into.

Q. That you could not tell?—A. No, sir; becuse I did not charge my mind with it.

Q. You were only examining to determine whether there could be a foundation put in there?—A. Yes, sir; I made no examination with reference to a cellar.

Q. Your examination was not made with any view of the drainage after the building was constructed?—A. That would depend upon the height of the cellar floor. Your cellar would have to be a proper height to drain into the sewer.

Q. Could you not furnish the committee with this information?—A. The map I have been asked to make will show that.

Q. You are confident you would not have to go 12 feet?—A. You could by having a cellar drainer—pumping the water automatically up into the sewer, but that of course is avoided whenever possible.

Q. So that in time of high water and overflow, by going down 12 feet, you would have a very damp cellar?—A. I do not know. The sewers are of ample capacity there to carry any high water. There is no lack of capacity there.

Q. Is the elevation sufficient?—A. The elevation would be sufficient, of course, if you entered the sewer at the proper point.

Q. I mean 12 feet from the present surface?—A. No, sir; it would not do, according to my knowledge of the levels, to put it down that low.

By the CHAIRMAN:

Q. Do you apprehend any backing up of the water in the sewers in

that locality at a high stage of water that would be injurious to the building?—A. No, sir; I do not; the sewers are ample there.

Q. Take the flood of a year or two ago; do you know whether the water was backed up in the sewers anywhere near that location?—A. It could not have been.

Q. In other words, the elevation of the sewer on North Capitol street in this locality is sufficiently above the highest water to cause it to be a running stream and not back water?—A. Yes, sir.

TESTIMONY OF JAMES L. PARSONS.

JAMES L. PARSONS sworn and examined.

By the CHAIRMAN:

Q. Please state your name, age, place of residence, and occupation.—A. James L. Parsons; age, forty-three; residence, Washington; occupation, builder.

Q. How long have you been engaged in the business of builder?—A. I have been working at the business for the last twenty years.

Q. Are you familiar with block 678 in the city of Washington, and the surrounding section?—A. To some extent; yes, sir.

Q. How long have you been familiar with it?—A. Five or six years.

Q. Have you examined the test pits that were dug there with a view to ascertaining the character of the soil and its adaptability for foundation purposes?—A. No, sir.

Q. Have you constructed any buildings on that block? If so, what buildings?—A. Yes, sir. I superintended the construction of a building there to be used for a planing mill. It was built three years ago, I think.

Q. Where is that building situated?—A. It is on the north end of the east half of the square.

Q. How far removed from the east line of the west half of the square?—A. I do not know the exact dimensions of the square.

Q. Is it right across the alley?—A. Yes, sir.

Q. The alley is 60 feet wide?—A. I do not know its width.

Q. Then it would be about 60 feet from the east line of the west half of the block?—A. It is built right on that street.

Q. On what street?—A. On the alley.

Q. On G street and the alley?—A. Yes, sir.

Q. What is the character of that building?—A. The purpose for which it was constructed?

Q. State the purpose for which it was constructed, and then describe the character of the building, as to its size?—A. It is a brick building, built for planing-mill purposes. It is not a large building, nor very high.

Q. Is there any machinery in it?—A. Yes, sir.

Q. How is the machinery placed?—A. The machinery is in the south end of the building.

Q. State what your experience was in constructing this planing mill and putting in the machinery, as to getting a foundation. State what excavations you made for the purpose, and what you discovered.—A. We made but a very slight excavation under the main portion of the building. We excavated down below the surface perhaps three feet. That, of course, we found to be filled or made ground. On the south *end, where the* engines and boilers are located, we went down to the

original gravel or earth that washed in along the edge of Tiber creek. We had to obtain a good, solid foundation there for the engines.

Q. To what depth did you go?—A. For the engine beds we went down perhaps 12 or 13 feet below the present level of the street.

Q. What did you find there?—A. We found gravel.

Q. Did you find any evidence of quicksand?—A. No, sir; no evidence in the world.

Q. What kind of engines are those, small sized or double engines? A. Double engines, rather large. I do not remember the exact capacity.

Q. How long ago were these engines placed there?—A. About three years ago, or two years ago last summer; I do not remember exactly. I guess about two years ago last summer.

Q. Is there any evidence of any settling of the foundations upon which the engines were placed?—A. No, sir; I think not. I have heard no complaint of any settling. I have been in the mill since, and the engines appear to work very smoothly, as though there had been no settling or anything of that kind. If there had been, of course the engines would show it.

Q. State whether or not it is a fact that in obtaining a foundation for machinery such as a steam engine there has to be extraordinary care exercised in order to prevent settlement and the coincident disarrangement of the machinery in its subsequent operation.—A. Yes, sir. If there is any settling at all the bearings would not be true, and would heat up and wear more on one side than on the another; besides, it requires a more solid foundation for an engine than it does for a building, because there is some jar, vibration, and concussion from the action of machinery, which would have a tendency to cause any weak part in the foundation to give more readily than it would under dead weight.

Q. In your work as builder and superintendent of construction have you had experience with large buildings requiring heavy foundations?—A. Some quite large, but not exceedingly large. I superintended the construction of the District building.

By Mr. GORMAN:

Q. What District building?—A. The Commissioners' building, at First street and Indiana avenue. That is quite a large building, and we built a fair foundation.

Q. That is located on the banks of the Tiber, is it not?—Yes, sir; the present sewer runs diagonally through there. It was built for warehouse purposes, and was used as a warehouse.

Q. What other buildings have you constructed in which heavy machinery has been used?—A. I do not know that I have constructed any for heavy machinery. That was built for machinery. It was the original intention to use machinery there.

By the CHAIRMAN:

Q. From your experience as a builder and superintendent of construction, what do you say as to the west half of block 678 having soil of such character as to afford a foundation for a heavy structure, such as the Government Printing Office and attending warehouses for storage?—A. As far as my personal knowledge of that ground goes—of course I have none except what I have heard from other witnesses——

Q. (Interposing.) You have your experience in the construction of this adjacent building.—A. (Continuing.) But I believe there is no difficulty in the world in obtaining without any extra expense a good foundation there for *such a building* as the Government Printing Office

would require, and that you would not have to go more than 12 feet for the requirements of that building. You would want your foundations at least 3 feet below the finished floor of the basement. In any large building you do not want the foundation right at the floor. I do not believe there is any objection at all to the site for a building of that class.

Q. Have you any interest, direct or indirect, in the selection of this site?—A. None, whatever, nor in any other that is proposed for the uses of the Government.

Q. I should have asked that question of the other witnesses. Do you know whether either Mr. Entwistle or Mr. McComb has any interest in the selection of this site?—A. No, sir; I do not believe they have.

TESTIMONY OF THOMAS W. SMITH.

THOMAS W. SMITH sworn and examined.

By the CHAIRMAN:

Q. You were at one time the owner of this block in question?—A. Yes, sir; I was the owner of the west half of square 678.

Q. Did you own it solely, or in connection with some one?—A. I owned it solely. I had, prior to that time, owned it in part with William M. Galt.

Q. I asked the question because it is marked as being owned by Galt & Smith. When did you first become familiar with this block?—A. I have known that block for the last fifteen years.

Q. Did you know it when the Tiber ran its course in that vicinity?—A. Yes, sir; I knew it before the sewer was built on North Capitol street.

Q. Will you describe the course of the Tiber as to the west half of this block and the character of the surface fifteen years ago, before the sewer was built and when the Tiber ran there?—A. My recollection of the course of Tiber Creek is that it crossed the northeast corner of the east half of block 678, and then ran southward along the line of the present alley to within 100 or 150 feet of the southeast corner of the west half, and then cut across that corner in a southwesterly direction.

Q. That was the main stream?—A. That was the main stream of the Tiber.

Q. What character of stream was it?—A. It was an open spring-water stream. Of course in times of high water or very stormy times, it was a turbulent, wide stream, being at points 50 or 60 feet wide and 5 or 6 feet deep, but at ordinary times it was 10 or 12 feet wide and 6 or 8 inches in depth.

Q. What was the character of the banks?—A. They were composed of white gravel and white sand and a yellow loamy clay.

Q. Were the banks swampy?—A. No, sir. I have driven over the square from one side to the other numerous times with a horse and buggy.

Q. What do you know as to there being any branch of the stream on the west half of block 678?—A. I have no recollection of ever seeing anything there in the shape of a branch.

By Mr. GORMAN:

Q. How far back are you going?—A. Fifteen years.

By the CHAIRMAN:

Q. At the time you speak of, fifteen years ago, had there been any filling done on the west half of this block?—A. Very little.

Q. Were you familiar with it during the process of filling and surfacing it up?—A. Yes, sir; I had men there to superintend the filling of it. When Galt and I bought this square there had been very little filling.

By Mr. GORMAN:

Q. What year was that?—A. That was in 1884.

By the CHAIRMAN:

Q. Do you mean 1884 or 1874?—A. We bought it in 1884.

Q. You are not speaking of the time that you were first acquainted with it, but the subsequent time of your purchase?—A. Yes, sir. That was what was known as a dumping place for stuff from the city. During 1884 or the year after it became what was known as the "dump" of the city for ashes and for dirt dug out of cellars in the western portion of the city as far up as Eighth, Ninth, Tenth, and Eleventh streets. I had men there to keep the ground in decent condition.

Q. Was any part of this west half above the present level or surface?—A. There was a small portion of the west half, running from the corner at Massachusetts avenue half way to G street, which was above grade.

Q. What was done with that?—A It was cut out by the baseball people and used to fill in the eastern portion of the west half of the square.

Q. Have you any familiarity with building?—A. Yes, sir.

Q. What is your business?—A. I am a lumber dealer.

Q. So you know something of the construction of buildings?—A. I built the warehouse that is now being used by the District government for its offices. The walls of that building are as thick as those of the building that will be used for the Government Printing Office. The walls of the first story are 18 inches thick. The foundation is constructed of broken stone and Portland cement. We went down just deep enough to secure a foundation, and it is right over the Tiber sewer. We used all the precautions necessary to make a building that would not settle, and it has not settled.

Q. Have you examined these test pits that have been spoken of?—A. Yes, sir; they were dug under my supervision.

Q. Do you agree with other witnesses as to their construction and depth?—A. I instructed the laborers to dig until they came to the original earth, and I saw that they did it.

Q. Did they reach the original earth in each case?—A. Yes, sir; they reached it at a less depth than that given by the gentlemen here, but they wanted me to go through the top soil, so as to be certain we would get what would be without doubt the original earth.

Q. What do you know as to the capacity of this soil to sustain a heavy building and afford a good footing and foundation?—A. I should not hesitate to put a building on that ground that would be sufficient to accommodate the Government Printing Office. I think it is as good a foundation as can be found in any portion of the city.

Q. Is there any evidence of quicksand or boggy ground on this lot?—A. None whatever, that I know of.

Q. Would the obtaining of a foundation for a Government Printing Office and its warehouses be attended with any extraordinary expenditure?—A. No; I think if the Government bought ground on top of

Capitol Hill for the location of a building such as has been described, it would be necessary to go as deep there for a foundation as it would be on square 678. The cellar would be 8 or 9 feet below the surface, and it would be necessary to go 3 feet below that to get a good foundation.

Q. Have you any interest it this lot or any other lot that is offered to the Government as a site for the Government Printing Office?—A. Yes, sir; I have an interest in this lot.

Q. Are you one of the present owners of the lot?—A. No, sir; I own a deed of trust or mortgage on the property.

Q. You have the interest, then, of a mortgagee?—A. Yes, sir; I have an interest in it also from the fact that I own lots 9, 10, and 11 on the east half of the square.

Q. That is on the east half, but is no part of this lot?—A. It is an interest that a person would have in seeing a building of proper construction built near his property and put to valuable uses.

By Mr. GORMAN:

Q. You say you have an interest in it?—A. Yes, sir.

Q. Please describe your interest in this property.—A. I have a mortgage on the property for about $60,000; $59,000 and some hundreds.

Q. Is that the only interest you have in this sale?—A. No, sir.

Q. What other interest have you?—A. I have an interest in the property and one-fourth of the profits arising from the sale of the ground over and above the cost to the present owner.

Q. What was the cost to the present owner?—A. The price was $85,324.

Q. And you have a one-fourth interest in whatever is made by the sale above that?—A. Yes, sir.

Q. And your mortgage is $60,000?—A. It is at the present time. It was greater than that; but a part has been paid.

Q. That is all the interest you have in this transaction?—A. Yes, sir.

Q. How many years ago did you say you bought the property in connection with Mr. Galt?—A. I think it was in 1884.

Q. Who else was associated with you?—A. That is all. Mr. Galt and I were the owners.

Q. Then you sold it in 1886, did you not?—A. No, sir.

Q. Did you not make a contract with the baseball club in 1886?—A. Mr. Galt and I made a lease to the baseball company for five years.

Q. What were the terms of that lease?—A. The terms of that lease were $500 for the first year, $1,000 for the second year, and $1,250 a year for the three last years.

Q. What else?—A. They had an option on the property to buy it at 50 cents a foot.

Q. That was in 1886?—A. Yes, sir.

Q. Did they surrender that option?—A. They sold their option to Mr. C. A. Snow about one year ago—one year last September, I believe it was.

Q. At an advance or at the same price?—A. At an advance.

Q. How much?—A. They sold the option for $12,200.

Q. So it stands to-day at 50 cents a foot and $12,200?—A. I would have been glad to give them more if they had intimated they wanted to sell the option.

Q. You say you have a one-fourth interest in the profits realized from *the sale* of the property over and above the price paid by the present *owner*?—A. Yes, sir.

Q. Did you purchase that one-fourth interest from the baseball company?—A. I have a one-fourth interest, but I did not purchase it.

Q. I do not understand that. I want you to explain that to me. I want to get at your interest in advocating the sale of this property.—A. The only interest I have is that which I have stated.

Q. Did you not join Mr. Snow in the purchase from the baseball people of their option?—A. No, sir.

Q. Please explain to me how you acquired that one-fourth interest.—A. The history of that one-fourth interest is a matter that does not concern this committee. I do not mean to say that in the sense that it might be taken—that it is none of the committee's business, but I mean to say that it is a delicate matter that I would not care to bring in here. It affects a friend of mine whose character I would not care to have injured.

Q. I did not know it was possible that anybody's character could be affected by this matter; but the chairman asked you to state your interest, and you have stated it frankly so far. It appears from your statement in answer to questions that as the owners of this property in 1886, Mr. Galt and you thought it was a good sale on a lease of $500, $1,000, and $1,250 a year and an option of 50 cents a foot. The transaction was completed at that time. One year ago Mr. Snow bought it back at an advance of some $12,000. Now you say you have an interest, not only in the mortgage, but in one-fourth of the difference between the cost to the present owner and what it could be sold for at the present time. I do not see how it can affect anybody else for you to state further about your interest.—A. I have no objection to furnishing the committee with a copy of the contract between Mr. Snow and myself covering that quarter interest.

Q. I have no doubt we will get that, but in the meantime tell us who has an interest in it besides Mr. Snow and yourself?—A. Nobody besides myself and Mr. Snow.

Q. I thought you said there was a friend of yours interested.—A. I said my quarter interest came through a friend.

Q. Does it affect his reputation to state the facts?—A. It might by going into it. It is a matter which I assure you does not affect any Senator, or member of Congress, or Government official, and it would not do the committee any good at all, but it would simply satisfy curiosity.

Q. I want to say to you frankly that so far as I am concerned I think it is due to the commission and to everybody connected with this transaction that whatever there is in this manipulation ought to be told. I do not see any reason why in a business transaction like this anybody's reputation will suffer by telling the whole story.—A. I will state to the committee that this transaction occurred a long time before any effort was made by anybody to obtain this ground for a Government Printing Office site, and probably before it was thought of by anybody in Government employ, or any effort made to obtain an appropriation for it.

Mr. GORMAN. I will not ask Mr. Smith any more questions at present, but I shall ask to have him recalled.

By the CHAIRMAN:

Q. You say there is a contract, and that you will furnish it to the committee?—A. Yes, sir.

Q. You had better do that.—A. I will.

Q. I see you are the owner of lot 9 in this block?—A. Yes, sir.

Q. Did you erect the planing mill that is located there?—A. Yes

Q. Is that owned by you?—A. Yes, sir.

Q. Will you describe the foundation which was constructed for machinery and engines on that lot?—A. For the foundation of building we dug about 3 feet below the surface, and put in conc foundations, about 3 feet wide and 2 feet thick, to sustain the w We built a two-story brick building on the foundation at that time, afterward raised it one story, so that it is now a three-story brick 54 feet wide by 127 feet long. In the southern end of the building engines and boilers are located, and also rooms for the storage of s ings for fuel. In digging for the foundation for the engine bed we to go down about 12 feet, until we came to what I knew was t before, to get to the gravel foundation that we needed. We built foundation upon that gravel bed, and set the bed of the engine brick work. From that day to this those foundations have never touched, and there has been no settlement of any portion of the en bed. The question was asked of Mr. Parsons as to the capacity of t engines. I will answer that, if there is no objection.

Q. I wish you would.—A. There are two engines of 45-horse p each, and there are two boilers of 50-horse power each.

Q. This foundation has carried that immense weight without strain, has it?—A. Yes, sir. The fly-wheel used by us there weig little over 7,000 pounds, and we have had no trouble whatever; in it has been a source of considerable pleasure to us to know that engines have done heavy work ever since without showing the sligh inclination to settle. With the exception of holidays and Sun they have run constantly.

By Mr. GORMAN.

Q. How does the weight of the machinery in that planing mill pare with the weight of the machinery in use by the Government P ing Office.—A. I do not know the capacity of the engines in the ernment Printing Office. Of course it is not near so heavy; whether it is an engine of 1,000 horse-power or 100 horse-power, principle is the same. You must find a foundation that is solid t it on or it will not run properly. It will show the weakness of foundation.

Q. You would have to exercise more care in building a foundation 1,000 horse-power engine than you would in constructing one for horse-power engine, would you not?—A. It would not take any b foundation. The foundation would cover a greater surface; b would not have to be more carefully constructed than ours was. put it in of brick and Portland cement.

Q. Do you own the lot where the mill is?—A. I own the north of the east half of the square; that is between the alley and the road.

Q. You run up to and about the railroad?—A. Yes, sir.

Q. So that the only entrance to the west half of square 678 for a road track, connecting with the Baltimore and Ohio Railroad, as no cated, would be through your lot, I take it?—A. No, sir. There three lots, as indicated on the plat there, belonging to the esta William M. Galt, through which they could reach this property, they could reach it without any cost to the Government, because tracks of the Baltimore and Ohio are already run across that grou

By the CHAIRMAN:

Q. Referring to this matter concerning which Senator Gorman de

to have you recalled I would like to say one word. This transaction that you spoke of, by which you get a one-fourth interest in anything that the lot might sell for above a stipulated sum, you say occurred before any steps were taken for the purchase of this lot by anyone connected with the Government?—A. Yes, sir.

Q. I wish you would state frankly whether any one connected with the Government—any Senator, or member of Congress, or employe of the Government—has any interest, direct or indirect, in the purchase of this lot?—A. None that I know of, sir.

Q. Would you know if there was any such interest on the part of anyone?—A. Yes, sir.

Q. And you know of none.—A. No, sir I have intimate knowledge of all that has been done with reference to the sale of this property to the Government, and have been consulted in the matter from the beginning.

By Mr. GORMAN.

Q. When did you acquire the right to this one-fourth interest?—A. On the day the deed was given by my wife and me to Mr. Snow, the 6th of September, 1889.

Q. You made this arrangement on the 6th day of September, 1889?—A. Yes, sir.

Q. Then that was four days after proposals were invited by the Government?—A. Oh, no; it was a year lacking four days prior to the advertisement for proposals.

Q. Was that contract in writing?—A. Which contract?

Q. The one relating to this one fourth interest?—A. Yes, sir.

Q. Has it been recorded?—A. It has never been recorded. I will furnish the committee with a copy of it or the original, whichever you please.

Q. We would be glad to have it.—A. If there is going to be any impression made here that the interest I have acquired is to be considered as having anything to do with the Government's purchase of this square I will state the facts; but I make the assertion that the matter does not affect any Government official in any manner, shape, or form, and that it is a matter between myself and my friends.

The CHAIRMAN. You can use your own judgment as to whether you will make any further statement. That is for you to say.

The WITNESS (after consultation with Mr. Wilson). I have been advised by my counsel to make a statement, and I will therefore make it. You are all aware that this option of 50 cents a foot was given as part of the consideration when Mr. Galt and I made a contract with the baseball company to lease the ground for five years. The option was given the company to buy the property within that time at the rate of 50 cents per foot.

The CHAIRMAN. That was in 1886?

The WITNESS. Yes, sir; in February, 1886. That option would have expired some time during the coming month, February, 1891. Accompanying that option a provision was incorporated by which the owners, Mr. Galt and myself, had the right to sell the property at any time during the pendency of this option or the life of it, and if we got a bona fide bid for the property during that time of more than 50 cents a foot we were to notify the baseball authorities that we had such an offer, and they were then to have the privilege for ninety days from that date of covering the amount we were to get for the property over and above 50 cents a foot; or, in other words, if we sold the property

for 60 cents, they were, within ninety days from the time we gav written notice, to purchase the property from us at 60 cents p they paying the advanced price. After I became the sole owner west half of the square I negotiated with a certain real-estate this city to sell the property. Of course a matter like that, wl other party had the right to come in and buy it at 50 cents a fo to be kept quiet. I said I would pay them the usual commission property. They tried to sell the property at an advanced pric and above the 50 cents a foot. During the pendency of this n tion, and without notice to me by the party in whose hands I property, a gentleman came into my office, accompanied by a and stated that he had bought the option on this property fr baseball people, and made a tender of $21,331, which was one of the purchase price at 50 cents a foot. Right there comes th I would not like to state the name of the party in whose hand this property for sale. It appeared afterward that this party ha municated with Mr. Snow and told him of the facts surroundi property, and that it could be bought for 50 cents a foot, and would be a good speculation to buy it, and he induced Mr. S buy it, with the understanding that he (the real-estate dealer) have a half interest. Mr. Snow was to purchase it, and he (th estate dealer) was to have a one-half interest in the profits ov above 50 cents a foot and expenses. I naturally felt a little sor the matter, and I refused to give the gentleman a deed. I ref acknowledge their right to this option. I consulted counsel matter, and after two or three months' negotiation backward a ward they agreed to give me a one-fourth interest, provided I sign a deed to Mr. Snow of my rights in the property.

Now that is the history of the quarter interest, and if the con will take it as it is, without asking me to mention names, I sh much obliged.

The CHAIRMAN. As far as I am concerned I care very little a because I suppose the Government will take this property by c nation proceedings, and pay what it is worth, no matter wh money goes.

Mr. GORMAN. You will recall Mr. Smith later on?

The CHAIRMAN. Yes, sir.

TESTIMONY OF ALBERT F. McDOWELL.

ALBERT F. MCDOWELL sworn and examined.

By the CHAIRMAN:

Q. Where is your place of business?—A. No. 521 North street.

Q. How long have you lived there?—A. Over three years.

Q. How long have you resided in Washington?—A. Twenty

Q. What is your business?—A. I am a grain dealer.

Q. Have you any knowledge of the west half of block 678 as character of its soil?—A. I only have a recollection of how it before it was filled.

Q. How long ago was that?—A. It was filled in about ten or years ago, I should judge.

Q. Please state in your own way as to what it looked like a character of its surroundings with reference to Tiber Creek, etc.?—

recollection is that the stream entered on the alley or street on which Mr. Smith's mill is located, at G street, and passed through about two-thirds of the way of the square and then turned in a southwesterly direction, cutting off a corner of the proposed site of the new Printing Office.

Q. Then it cut off the southeast corner of this lot?—A. Yes, sir; that is my recollection.

Q. What was the character of the surroundings of the creek as to there being a marsh or bog there, or anything of that sort?—A. I remember no marsh there. If there was any there I do not remember it.

By Mr. GORMAN:

Q. What date do you begin with?—A. About twelve years ago.

The CHAIRMAN. Before the fill, he says. (To witness.) Was this before the construction of the sewers?

The WITNESS. Yes, sir; it was an open creek then.

By the CHAIRMAN:

Q. What was the nature of the banks of the creek as to being low or high?—A. My recollection is that they were rather high in places; but it is merely a dim recollection; nothing definite.

Q. Was there any stream running into Tiber Creek that headed up in the west half of block 678?—A. I remember nothing but Tiber Creek.

Q. There was no other stream there?—A. Not to my recollection.

Q. Have you had any experience in the matter of the construction of buildings?—A. I built a middling heavy building on Massachusetts avenue, opposite the square in question.

Q. What building is that—the McDowell grain mill and elevator, which is named here on the map?—A. Yes, sir.

Q. Is there any machinery in that building?—A. Yes, sir; there is a 50 horse-power engine in the basement.

Q. State as to the character of soil you found there in building your foundation.—A. The concrete floor is about 7 feet below the general level; but the engine bed or foundation is from 2 to 3 feet lower than the concrete floor.

By Mr. GORMAN:

Q. The foundation is about 10 feet below the surface?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you there when the engine was put in position?—A. Yes, sir.

Q. And when the foundation was dug?—A. Yes, sir.

Q. What character of soil was found there?—A. I can not recollect. My impression is it was sand and gravel; but my recollection is indefinite.

Q. Has there been any jarring of the building from the working of the engine that has caused trouble, or a sinking of any part of the foundation?—A. No, sir; there is no crack in the building at all.

Q. Did you obtain a good foundation at that depth?—A. Yes, sir; a foundation which has proved satisfactory to us.

Q. Tiber Creek used to run across the southeast corner of the west half of block 678. Do you remember how near it ran to this building which you erected?—A. My impression is that the east end of the building reached into the bed of the creek.

By Mr. GORMAN:

Q. What square are you on?—A. I think it is 680.

By the CHAIRMAN:

Q. From your familiarity *with the* west half of block 678, what do

you say as to whether it has soil of a character that would afford f ing and foundation for heavy buildings and machinery?—A. I have experience except what I got from putting up our own building.

Q. You are not a builder?—A. No, sir.

Q. Is there anything else you know in connection with this prop you can give to the committee?—A. No, sir.

Q. Have you any interest, direct or indirect, in this lot?—A. No,

Q. Have you any interest in any other lot that has been offered the Government?—A. No, sir. It is against our interest somewl We have storage from the Government Printing Office.

Q. And it is to your interest to keep that?—A. Yes, sir.

TESTIMONY OF JOHN F. KELLY.

JOHN F. KELLY, sworn and examined.

By the CHAIRMAN:

Q. Do you reside in Washington?—A. I do.

Q. How long have you lived here?—A. I was born here.

Q. You were born and raised here?—A. Yes, sir.

Q. Are you familiar with the west half of block 678?—A. Yes,

Q. How near do you live to it?—A. I live within a square of it, a G street.

Q. How long have you lived there?—A. About twenty-five year

Q. Please state to the committee, in your own way, what the cha ter of this ground was when you first knew it, and describe the p tion of Tiber Creek with reference to the west half of the block.- I know that it has been a dumping ground more or less for the twenty years. I have been connected with the police force over twe nine years.

By Mr. GORMAN:

Q. Are you Lieutenant Kelly, of the police force?—A. Yes, sir.

By the CHAIRMAN:

Q. My question was concerning Tiber Creek.—A. According to recollection, Tiber Creek ran across the eastern part of square 67 little west of the dressing room the baseball club has there at the so east corner, and ran out near the corner of the lot at G street.

Q. That is to say, it entered from the north?—A. From the sout

Q. You are running up the stream?—A. Yes, sir.

Q. Running up the stream, where did it enter block 678?—A. I th a little west of that club house.

Q. We do not know where that is. Is it on the southeast corner A. Yes, sir. It is a little house the baseball club uses for a dres room. I think the creek ran a little west of that, and ran in a no easterly direction toward the northeast corner of that square.

Q. Toward the northeast corner of the whole block?—A. No, of the half square.

Q. Do you mean to say that it took its exit or left the north sid the block east or west of the present alley?—A. West of it.

Q. Whereabouts was the bed of the stream with reference to planing mill that is now located there?—A. It was west of the plan mill.

Q. How far west, if west at all, of the middle of the alley?—I think it came out inside of the alley. It may have taken in a par *the west side* of the alley.

Q. So your recollection is that it ran along the entire eastern side of the west half of this lot?—A. Yes, sir.

Q. What was the character of the banks?—A. The banks seemed to be composed of gravel and loamy sand.

Q. Were they swampy or boggy?—A. Part of it was.

Q. Where?—A. I think east of the branch, along the G street front.

Q. Where the planing mill now stands?—A. Probably a little south; in that locality.

Q. That would be in the east half?—A. Yes, sir; outside of the west half; along there it was marshy bottom.

Q. Do you know of any branch or stream running through the west half of the block, other than this Tiber Creek which you have spoken of?—A. Nothing more than what was made by surface drainage.

Q. There was no living stream there?—A. Not to my knowledge.

Q. What has been your business during life?—A. I am a lieutenant of police, and I have been connected with the police force since its organization.

Q. Have you had anything to do with the construction of large buildings?—A. I am a bricklayer by trade.

Q. Have you worked at that trade?—A. Yes, sir; I have.

Q. Did you examine these test pits?—A. Yes, sir.

Q. Did you go in and look at them?—A. Yes, sir.

Q. What do you say as to this being a piece of ground which would afford a good foundation for a heavy building such as it is proposed to erect for the use of the Government Printing Office?—A. I have no doubt in the world that they can get a good foundation along the North Capitol street front and probably on the G street front, but the balance of the square is filled up ground to a depth of 10 or 12 feet.

Q. If they should go down 10 or 12 feet, so as to get to the original surface, would it afford a good foundation?—A. Yes, sir; it is a good foundation, if they go deep enough. I know a great many buildings in this city are built on ground like that.

Q. And without piling?—A. Yes, sir.

Q. So if the original surface is 10 or 12 feet below the present surface, when you reach the gravel and sandy loam you think that would afford a good foundation for this building?—A. If I was going to build I think I would go below the original surface to see what there is below it.

Q. If below the original surface you were to find ground or soil of the description you speak of, would you feel warranted in putting your footings on such soil?—A. Yes, sir.

Q. Have you any interest in this piece of property direct or indirect?—A. No, sir.

Q. Have you in any other piece of property that has been offered to the Government?—A. Yes, sir.

Q. Are you one of the bidders for another piece?—A. I am.

Q. Where is it located?—A. On G street, between North Capitol and First streets, in square 624.

Q. Adjoining the present printing office?—A. Yes, sir.

Q. You were one of the bidders for the extension in that locality?—A. Yes, sir.

By Mr. GORMAN:

Q. What do you offer in block 624.—A. I have two pieces of property there.

Q. What do you value your property at?—A. One I offered for $2.50 per foot with all improvements. Further up toward First street I own another piece of property, the same size, which I offered for $2.25.

Q. What is the character of the improvements on those two lots? A.—The one I offered for $2.50 has a three-story brick in front and a two story brick in the rear, and the other has a two-story brick both front and rear.

By the CHAIRMAN:

Q. One is on Jackson street, running through the center of the lot, and the other is on G street?—A. Yes, sir.

By Mr. GORMAN:

Q. How does that compare with the price fixed for this lot?—A. I think favorably. I would like to make a statement with regard to the water. I have seen the water back up on the lot there considerably above the old original surface.

Q. On which lot?—A. Square 678.

Q. You have seen it overflowed?—A. Yes, sir.

Q. Since it was filled in by the base ball people?—A. No, sir; but before. The water was probably 3 or 4 feet above the original surface at that time.

Q. That was in the case of very high water, was it not?—A. It was caused by the water not passing through the sewer. The water was backed up by the high tide.

Q. In your judgment is it likely to be overflowed again?—A. There is no doubt of it, with heavy rains and excessive tides.

By the CHAIRMAN:

Q. Do you mean to say that the present surface of the lot would be overflowed?—A. No, sir; but the cellar would be overflowed if you went down any depth.

Q. Were you here during the rise two years ago in June?—A. Yes, sir.

Q. Did you see any evidence of the water being backed up in the sewer on North Capitol street at that time?—A. That lot was filled up at that time. E street and North Capitol street were flooded at that time.

Q. What is the difference between the grade of the present Printing Office site and this lot?—A. I do not know.

Q. Can you approximate it?—A. I do not think it is more than 3 or 4 feet, at most.

By Mr. GORMAN:

Q. Are the cellars in that square overflowed during high water?—A. I do not know of any cellars on G street. There are basements, but no cellars.

Q. How about the basements?—A. They did not overflow, because they would be nearly on a level with the top of the North Capitol street sewer.

Q. But you are perfectly confident that if you placed the floor of your cellar 12 feet below the surface it would be overflowed in high water?—A. The water backed up on Jackson street during the high water and came through the manhole.

Q. How often have you seen that? A. Probably twice.

Q. In what length of time?—A. During the past ten years.

By the CHAIRMAN:

Q. What caused it, the stoppage of the sewer?—A. No, sir; the heavy flood in the river and back water.

Q. Do you mean to say that it backed out of the manholes on Jackson street two years ago, at the time of that rise?—A. Yes, sir; I think so.

Q. How about the Government Printing Office? That is on Jackson street, and has cellars, has it not?—A. I do not know.

Q. Was there any water in the cellars of the Government Printing Office at the time the water backed up two years ago?—A. Not that I know of.

Q. Is the present surface of the west half of square 678 higher or lower than the surface of the site of the present Government Printing Office?—A. Lower, of course.

Q. You think it is lower?—A. Yes, sir; I am confident it is.

By Mr. GORMAN:

Q. Did you ever hear of there being any quicksand in that square before it was filled up?—A. I think there is quicksand where I am living. They put down a 12-inch sewer, and had considerable trouble with it.

Q. On the same square with the Government Printing Office?—A. Yes, sir; on the G street front.

Q. They found quicksand there in putting down a sewer, you say?—A. Yes, sir.

Q. In your twenty-nine years' experience and more, have you ever heard of any quicksand being found in this square where the Tiber ran through?—A. No, sir.

Q. Were you familiar with it at the time it was a dumping ground?—A. Yes, sir.

Q. Were there any reports at that time of there being quicksand there?—A. No, sir. There was no excavations made at that time to my knowledge, and none have been made since that I know of. The material was dumped promiscuously all over the square on top of the surface.

Q. But you do know that quicksand was found in the square on which the Government Printing Office is situated?—A. Yes, sir.

By the CHAIRMAN:

Q. You never heard of the Government Printing Office settling, did you?—A. No, sir.

Q. Do you remember a time in connection with this lot when it was so boggy and swampy that it was dangerous for man or beast to cross the lot?—A. No, sir.

Q. Do you know when the sewer was placed there?—A. No, sir; I do not know the exact year.

Q. You remember the fact of the sewer being constructed there?—A. Yes, sir.

Q. Did the sewer follow the bed of Tiber Creek and run across this lot?—A. I can not tell. I noticed it more particularly after it got into F street.

TESTIMONY OF ADOLPH J. SCHAFHIRT.

ADOLPH J. SCHAFHIRT sworn and examined.

By the CHAIRMAN.

Q. Do you live in Washington?—A. Yes, sir.

Q. How long have you lived here?—A. Twenty-five years.

Q. Where do you reside?—A. At the corner of North Capitol s streets, immediately opposite the Government Printing Office.

Q. How long have you lived there?—A. About twenty-three at the corner, and I lived for two years eastward of there.

Q. What is your business?—A. I am a druggist.

Q. You are familiar, of course, with the west half of block 6 A. Yes, sir.

Q. Will you state in your own way your knowledge concernin the character of the original surface, the course of the Tiber, e A. Taking North Capitol street as a line on the west and the Balt and Ohio Railroad as a line on the east, at the corner of North C street and Massachusetts avenue, which is the southwest corner square, there was a hill, possibly 5 or 6 feet higher than North C street is at the present time, with a ford sloping down to the bed stream, and the railroad embankment was very much higher. The between the two has been filled in, at G street possibly 15 to 20 f the corner of the square. It has all been filled in as far as the rai

Q. That is the east half?—A. Yes, sir; taking the whole squ has all been filled in. (Referring to Diagram A). This is the s here. The Tiber took an angle from a piece of property here kno Mrs. Gorman's houses, and ran diagonally across here to the g that Mr. Smith's mill now stands on, and then ran across here [in ting]. I see some one has made a lead-pencil mark here.

The CHAIRMAN. The line you refer to was drawn by Mr. McC the engineer.

The WITNESS. It ran off about here and entered the square 150 feet from the southeast corner [indicating], and then passed out angle here, about 80 to 100 feet west of the southeast corner [in ting]. That is the old line of the Tiber.

By the CHAIRMAN:

Q. You agree with Mr. McComb?—A. I do. That stream was 3 to 5 feet lower than the natural surface soil before it was fill That surface soil was covered with the natural rush grass that gr moist places, and there was possibly 10 or 12 inches of hard clay Beneath that was gravel and sand. The bed of the stream was sandy. To the best of my recollection there were two fords one at G street and one above F street. There was another s that came on the north line of F street and made a bend here [indica That is now turned into the F Street sewer, and is not outlined he was familiar with this square prior to that. In 1862 and 1863, w was in the army, the Government had a warehouse over on a brar the railroad, right on the bank of that stream. The warehous used for quartermaster's stores.

By Mr. GORMAN:

Q. On the east bank of the stream?—A. Yes, sir; not on this erty, but adjacent to it.

By the CHAIRMAN:

Q. Then so far as the west half of block 678 is concerned Creek entered it on the east line at a point about 150 feet fron corner?—A. Yes, sir.

Q. And made its exit about 80 to 100 feet west of the southeas ner?—A. Yes, sir.

Q. Was there any branch of that creek?—A. No branch at all.

Q. There was no branch on the west half of this lot?—A. There was surface drainage.

Q. Was the land on the west half of the lot boggy or swampy?—A. Only after heavy floods. There have been terrific floods there which caused back water. There were times when the Potomac River would back up above K street and spread out on the flats when a south wind was blowing.

Q. Have you ever seen any evidence of quicksand pits on the west half of this lot?—A. Not exactly on that ground; no, sir. My house is right on that corner there [indicating on Diagram A].

Q. Right opposite the Printing Office?—A. Yes, sir; and I am familiar with the building of this sewer here, every portion of it. I remember that on several occasions, when they excavated for that sewer, there were large cavings from what they called quicksand.

By Mr. GORMAN.

Q. That is on North Capitol street?—A. Yes, sir; I was the only one that had a cellar there. I built there when this was a cornfield [indicating]. I remember once the sewer fell in and flooded my cellar to the ceiling, and that was caused by quicksand.

By the CHAIRMAN.

Q. That was a mishap from the stoppage of the sewer itself?—A. Yes, sir.

Q. Were these quicksands which were developed in building the North Capitol Street sewer near the Government Printing Office?—A. One was below, on the line of G street. They found them all along to such an extent that they had to build the base of that sewer on planks.

Q. Do you remember a time when it could be said of the west half of this lot that it was so boggy and swampy that it was dangerous for man or beast to cross it?—A. Only one point, and that was here at the lower point. There was only one point where it was not safe to cross. A person unfamiliar with the crossing was liable to stick in crossing there. That was on the F street side.

Q. When this sewer was built was it built in the bed of Tiber Creek?—A. No, sir; there is no sewer in the bed of the creek. That was abandoned. This sewer comes up North Capitol street, and the other is on F street.

Q. Have you had any experience in the building of heavy structures?—A. Nothing more than my own residence.

Q. Have you examined these test pits?—A. No, sir; I was not aware of their having been put in.

Q. Have you any knowledge from your experience in building that would enable you to say whether the soil on the west half of block 678 would make a suitable foundation for a heavy building?—A. No, sir; I can not say.

Q. Are you the gentleman who made the affidavit signed "A. J. Schathirt"?—A. Yes, sir.

Q. Did you write this?—A. Yes, sir.

Q. Was it read over to you?—A. Yes, sir; but that is not the paper.

Q. This purports to be a copy of it [hands paper to witness].—A. Yes, sir; that is a copy of it.

Q. Was it read over to you?—A. Yes, sir.

Q. Let me read a portion of it to you, and see if you desire to modify it. In speaking of the west half of block 678, what is known as Capitol Park, or the baseball grounds, you say, "Part of said ground was

formerly the bed of Tiber Creek, in which has been constructed one of the largest sewers in the city." You do not mean to be understood by that that this sewer runs through the lot?—A. No, sir.

Q. You say further, "This ground has always been, as far back as our recollection extends, boggy and swampy and full of quicksand pits, making it dangerous for man or beast to cross it."—A. In reference to that I want to make an explanation. That was all filled ground, and it was dangerous for man or beast to cross it. At the lower angles that I have described, time out of mind, it was dangerous on account of the quicksand. I have seen men, wagons, and animals stuck there more than once. At that time F street was not constructed through. The drive was along G street.

Q. Then this statement is subject to that explanation?—A. I do not want to be understood as saying that the sewer when dug——

Q. (Interposing.) Do you mean to swear that as far back as your recollection goes it has been dangerous for man or beast to cross that ground?—A. Excuse me; when I signed that paper I had reference to the whole of this square, not only to the west half but to the east half of the square which is now occupied by the railroad company for a dumping ground.

Q. You say further, in this affidavit that you have signed, that you "verily believe that this ground is entirely impracticable as a site for a large structure of great weight."—A. That is simply my own view on the subject of attempting to build a heavy structure on the bed of a stream and the surrounding moist ground. I did not speak as an expert.

Q. You say further that prudence would dictate that a careful examination of the site should be made by sinking test pits.—A. That was done, sir.

Q. If that has been done, and those who are expert in such matters—builders and superintendents of construction—say from their examination of such test pits that the soil on that square is suitable for the foundation of a heavy structure, what would you say?—A. I would have to yield my opinion. I am not an expert, and would not set my opinion against that of men expert in the business.

By Mr. GORMAN:

Q. I understood you to say that you are located on the corner of North Capitol and H streets?—A. Yes, sir.

Q. And I understood you to say a moment ago that you probably had the only cellar in that vicinity?—A. At that time.

Q. What time?—A. Away back in 1868.

Q. What was the difficulty in the way of making cellars?—A. I suppose the character of the houses did not call for cellars. They were generally houses of four or five rooms, the homes of poor people, and there were no sewers there at that time. Through the courtesy of Mr. Defrees, who was the Public Printer at that time, I was allowed to attach my drain to the Government Printing Office sewer.

Q. You are higher than block 678?—A. No, sir; I think not. North Capitol street is about level along there. There is very little inclination.

Q. Do you know that to be a fact?—A. Simply from my judgment. It occurred to me that that question would be asked, and I took the trouble to look as I came along. There may be a difference of a foot or two, which would hardly be noticeable in a distance of three blocks.

Q. When you made this statement and signed this paper I suppose you had in mind, in speaking of the east half of block 678, the fact that

they found quicksand all along the west front on North Capitol street?—A. I am describing the quicksand all along there.

Q. You say they did find quicksand in front of square 678, which is proposed to be taken as a site for the Printing Office?—A. Yes, sir; quicksand was found all along there in building the sewer; that sewer is about 15 feet below the present level of that lot.

Q. The foundation of that sewer, as you remember it, is set on timbers?—A. There are heavy logs or timbers laid close alongside of each other, and planks laid on top of the timbers, and on the planks there is a brick floor set in cement.

Q. When you signed that paper the chairman has read you had an idea that the quicksand found in the street would be found in the lot?—A. Yes, sir.

Q. Down on F street there is no question about it being marshy?—A. It was marshy; it was not strictly what you would call a marsh, but there was one point where it was difficult to cross. Frequently six-mule Government teams would get stuck there in the sand.

By Mr. WILSON:

Q. Sand, or mud?—A. It was a yielding sand; the mud was firm enough; that was a good hard clay; whether that was a wash or the natural character of the soil I am not competent to say.

By Mr. GORMAN:

Q. What is the value of that property?—A. The value of that property is about $2.25 a foot, from $2 to $2.25.

By the CHAIRMAN:

Q. This lot 678?—A. I think I am competent to give an expression to that opinion. I am one of the valuation committee of the Equitable Building Association, and have valued millions of dollars' worth of property in the District.

Q. Do you think that ground is worth over $2 a foot?—A. I would be glad to give that for it.

Q. Have you any interest in any of these lots that are offered to the Government?—A. No, sir.

By Mr. GORMAN:

Q. Do you mean to say that you value this lot at $2.50?—A. I said from $2 to $2.25.

Q. For the west half of the square?—A. Yes, sir. There are many things that have taken place in the neighborhood to advance the price from the 50 cents that was paid for it in 1884.

Q. What has there been to advance it?—A. In 1884 North Capitol street along there was simply an impassable bank of mud. The preceding Public Printer wrote a very sharp letter to the Commissioners in reference to it. I know the hard fight I had to get that street paved from G street to the railroad. The curbing on both sides of the street was from 18 to 20 inches higher than the center of the street, and it was simply a muddy stream. The paving of that street has very much enhanced the value of property in that vicinity. It has given us an outlet to that part of the city which we did not have before, for it connects us with the paved streets all along.

Q. Can you see any way by which, on a valuation of $2.25 a square foot, you could put a building on that lot, and after paying taxes, repairs, etc., realize 4 or 5 per cent. on your investment?—A. I think so.

Mr. WILSON. I would like to know what the witness interest is?

The WITNESS. I have no interest. I think I would hail with delight the removal of the present building. I should prefer to see a new one there, and I should certainly be glad to see that old barracks removed.

By the CHAIRMAN:

Q. You want it on that square?—A. I should prefer seeing it there; but I have no interest in it, either in ground or otherwise.

TESTIMONY OF DENNIS CONNELL.

DENNIS CONNELL, sworn and examined.

By the CHAIRMAN:

Q. You live in Washington, I presume?—A. Yes, sir.

Q. How long have you lived here?—A. Thirty seven years.

Q. Where do you live now?—A. At the corner of First and H streets, northwest, on the same square that the Government Printing Office is located.

Q. How long have you lived there?—A. I have lived in that house for twenty-five years.

Q. Then, of course, you have been familiar with the west half of square 678, from your observation of it in passing it, etc.?—A. I have.

Q. Will you state, in your own way, its condition, as to the character of its soil, the course of Tiber Creek through it, and any information in your possession bearing upon the subject of its being of a nature to afford a good foundation for a heavy building?—A. I know it has been used as a dumping ground to a great extent all this time, until the baseball people got possession of it. They leveled it off then. I believe it used to be used as a dumping ground for nightsoil, etc. I have seen pits dug there, and deep holes. I have passed it on many occasions, and we used to go to one side to avoid crossing it. In bad weather it was considered a bad place to travel.

Q. Do you mean all that section, or this particular square?—A. From G street down to the dump was considered very bad traveling, and we avoided it, and would go across to H street rather than cross it.

Q. You say you live at First and H streets?—A. Yes, sir.

Q. That is quite a distance from this square in question; that is, it is the other side of the present Government Printing Office?—A. Yes, sir.

Q. Can you describe the course of the creek?—A. To the best of my recollection, the creek passed though about where the alley now is, between Mr. Smith's warehouse and the present square which it is proposed to purchase for the new Government Printing Office. That is my best recollection; but I may be mistaken.

Q. You think it ran in, then, at the northeast corner of the west half of this square?—A. Yes, sir.

Q. Where did it run out of the square?—A. About the southeast corner.

Q. You think it ran about parallel with the east line of the west half of the square?—A. Yes, sir; that is my best recollection.

Q. What is your business?—A. I am a grocer.

Q. Have you had any experience in the erection of heavy structures?—A. No, sir; none whatever.

Q. Have you examined these test pits that were dug?—A. No, sir.

Q. Have you any knowledge that you feel would warrant you in giv-

ing an opinion as to whether the soil on this square is of a character to support heavy structures?—A. No, sir; from the fact that I have not seen the test pits or the substance that came out of them, I could not say anything about it.

Q. You have never in your life been a builder, or a mechanic connected with building?—A. No, sir.

Q. Is there anything else that you desire to state to the committee in connection with the matter?—A. No, sir.

Q. Have you any interest in any of the property that is offered to the Government?—A. Yes, sir, I have an interest in the square that I live in.

Q. That is the Printing Office square?—A. Yes, sir.

Q. Have you offered any of your property under this advertisement?—A. Yes, sir.

By Mr. GORMAN:

Q. Do I understand you to say, from your observation of this lot, that you do not think it is a suitable location for a heavy building?—A. I could not say as to the foundation, Senator; but from my knowledge of the surface, and from my past observation of the ground, I do not consider it would be suitable for a heavy building. That is my experience years ago about it. Lately, of course, I do not know much about it, as everything has been filled up there.

Q. Going back as far as you remember it, did you ever know of any quicksand being found in that vicinity?—A. No, sir; I do not recollect of quicksand being found there.

Q. Did you ever do any hauling over it yourself?—A. I have driven light vehicles over the ground in that neighborhood.

Q. Have you ever heard of quicksand being found in that vicinity, along North Capitol street, in front of this lot?—A. I have heard of it.

Q. Have you any personal knowledge of it?—A. No, sir.

Q. What did you hear about quicksand being found there?—A. I understood from some friends of mine who worked there and were familiar with the ground that when they were plowing there their teams sank in the sand, and they had a time in getting them out.

Q. You heard of that occurrence, but you did not see it?—A. No, sir; I only heard of it.

TESTIMONY OF TIMOTHY COSTELLO.

TIMOTHY COSTELLO, sworn and examined.

By the CHAIRMAN:

Q. Do you live in Washington?—A. Yes, sir.

Q. Whereabouts?—A. I live at 35 G street northwest; that is about the middle of square 624.

Q. In what is known as the Printing Office square?—A. Yes, sir.

Q. How long have you lived there?—A. I have been living in my present residence about twenty-five or twenty-six years.

Q. What is your business?—A. I am a stable keeper and keep hacks, and am also an undertaker.

Q. Have you been familiar with this property in question, the west half of block 678?—A. I have. I lived on North Capitol street, right in front of that block, about thirty years ago.

Q. Please state, in your own way, the character of the west half of block 678 years ago, before it was filled, and describe the course of

Tiber Creek.—A. Tiber Creek, to the best of my recollection, ran from G street probably 100 or 150 feet into the west half of that square, down to a point on F street, and cut off probably 70 or 80 feet of the southeast corner of that square. I hauled sand out of that creek twenty-five years ago, or may be a little later, with which to plaster my house.

Q. Did you get that sand out of the bed of the creek?—A. Yes, sir.

Q. Out of the channel where the water ran?—A. Yes, sir. The freshets used to bring the finest kind of sand down in the bed of this creek. I hauled a great many loads of sand out of there with a borrowed mule. In digging there for sand, after taking the surface off I found at the bottom a black loam, or what you might call black clay, which was very soft and sticky. That was at the bottom, under the sand and gravel. That mud was so sticky that I used to have to hustle to get my load out. I could stick a shovel down in that mud clear up to the handle. That creek was filled from the present grade of G street. Of course F street is lower than G street, for the water runs down North Capitol street. I think that at F street the creek has been filled to a depth of probably 12 or 15 feet.

Q. You think the bed of the creek has been filled in from 12 to 15 feet?—A. I think so. At the time I am speaking of, during the war, there was a kind of settlement there; some poor people "squatted" on that ground. There was a little hill on the North Capitol street side, and there was a small ravine about where those shanties were, which carried the waste water into the creek. That has all been filled up; but from a careful survey that I made there the other day I think the creek ran from 100 to 150 feet into the west half of this square.

Q. Running along the east line of the west half of the square?—A. Yes, sir. When they were building the North Capitol street sewer I examined the excavation carelessly a couple of times as I was walking by, and I noticed a spring there with quicksand in it. I think the sewer on North Capitol, between F and G streets, is 15 feet deep. They had to put beams in the bottom, as described by one of the witnesses here, and then built their walls on those. The quicksand was running in from this little spring while they were doing that work. I did not hear Mr. Entwistle and the superintendent of sewers on that subject, but I think they would bear me out in the statement that there was a spring there from which the quicksand washed out.

Q. Was not that also true of the portion of the sewer between H and G streets?—A. I did not notice that. There was a cave in the sewer there while they were at work, I believe.

Q. Mr. Schaflirt speaks of that?—A. Yes, sir.

Q. That occurred near the present printing office?—A. Yes, sir; I know they had a great deal of trouble there.

Q. These places you speak of were pockets rather than ledges of quicksand, were they not?—A. The ground on North Capitol street is naturally sandy, and when you go about so far down in excavating you strike these springs, and the sand runs out with the water. I think the one I saw was about 15 feet below the surface. That is my best recollection.

Q. Have you had any experience in the erection of large buildings or foundations for heavy machinery?—A. No, sir; I have had no experience in building anything except small buildings.

Q. Have you ever had any experience which would enable you to give the committee an opinion as to the suitability of this ground for *foundation* purposes for a large building?—A. No, sir; I could hardly

give an opinion on that subject. I found this miry black stuff in the bed of the creek where I got sand to construct my house, and that is about all I can say in regard to the character of the soil.

Q. Do you know how much there was of that?—A. No, sir; I could not tell how far you would have to go down to get through it.

Q. Is there anything else you would like to say?—A. That place was what we called the "Pit of Swampoodle" at that time. It was nothing but ditches and was a dumping ground for all the rubbish in the town.

Q. You say a great part of this was full of holes?—A. Yes, sir.

Q. What part of it?—A. The east half.

Q. Suppose the test pits that have been sunk in the west half of the square should show that the original surface running down pretty near to the east line of the west half is only 4 to 6 feet beneath the present surface, then what would you say? Is not your recollection somewhat at fault as to the particular locality?—A. I do not know.

Q. If these test pits show that the original surface of the earth is only 6 feet below the present surface, would you then say it was full of big holes. ditches, etc.?—A. I do not very well understand your question, sir.

Q. What I am trying to ascertain is this: If these test pits which have been sunk show that the original soil is but 4 to 6 feet under the present surface, then are you not mistaken as to the particular locality of these ditches and holes that you have spoken of, and may they not have been to the east or south of the west half of square 678?—A. Along the banks of the stream it was pretty good surface, but half way between that and North Capitol street it was rugged. It was surface drainage; but the river was always working to the west—we used to call it the "river"—the creek used to work to the west with every freshet.

Q. Let me see if I can make it plain to you. Suppose we take the east line of the west half of block 678 as a starting point. You have that idea?—A. Yes, sir

Q. You say the center of the creek is about 150 feet from that east line?—A. I think the creek ran about 100 feet out this side of that square [indicating on Diagram A], down toward F street, tapering a little toward the east corner about the time it reached F Street.

Q. So that it would be about 100 feet from the east line of the west half of the lot to Tiber Creek, would it?—A. I think the east bank of the creek ran along the east line of the square.

Q. Then the whole creek ran through the west half of block 678?—A. Pretty much the whole of it.

Q. How far was it from the east line of the west half of the square to where the creek ran along through the block?—A. I think it ran from 125 to 150 feet into the west half of the square.

Q. One hundred and twenty-five feet, let us say.—A. Yes, sir.

Q. How wide was this swale or low place that you have spoken of? How far did that extend beyond the creek?—A The creek was pretty wide there. Whenever there was a freshet it would be 50 feet wide, or perhaps more; but lower down the width was not so great. In ordinary seasons there was very little water in it.

Q. How wide was this low place?—A. I think it was about 75 or 80 feet wide.

Q. (Handing witness Diagram A.) Let us see; that is the west half of the block?—A. Yes, sir.

Q. You say the creek ran along here, about 125 feet from the east line of the west half of the *square*?—A. Yes, sir.

Q. Then, you say, there was a low place or swale there [indicating]?—A. Yes, sir.

Q. How wide was that low place?—A. Where I mentioned it was swampy?

Q. Yes.—A. I did not notice how wide that was, because it was not where I was taking my sand out.

Q. How wide was this place where the squatters drained their stuff into the creek?—A. I could not say; maybe 100 or 150 feet.

Q. Let us say that there was 125 feet of swale.—A. Yes, sir; about that.

Q. And then the ground rose?—A. Yes, sir.

Q. The ground then rose toward North Capitol street?—A. No, sir; toward the eastern quarter.

Q. There is the eastern end and there is the creek [indicating].—A. Yes, sir.

Q. Did not the ground rise toward North Capitol street?—A. No, sir; the fall was east.

Q. Of course the fall was toward the east; but did not the ground rise as you went toward the west?—A. No, sir; not according to my recollection.

Q. Then according to your recollection there was no high ground on the west side of block 678?—A. That was North Capitol street.

Q. That is what I am talking about.—A. Yes, sir; there was high ground there.

Q. How high was the ground extending from North Capitol street toward the east?—A. Fifty feet or more; I could not say exactly. That was cut off a great deal in filling up the creek. The F-street line runs here and the creek came within 75 or 80 feet of the corner of that line.

The CHAIRMAN. You evidently do not understand my questions. I do not think I will occupy any more time.

By Mr. GORMAN:

Q. This map I hand you (Plat B, Appendix) seems to carry out that idea exactly?—A. Yes, sir.

Q. This is the old creek [indicating]?—A. Yes, sir.

Q. This is North Capitol street and this is F street?—A. Yes, sir.

Q. You say the creek entered, according to your recollection, about 75 to 100 feet west of the east line of this half square?—A. Right at this side; right in there [indicating].

Q. Does that map correspond with your recollection?—A. Yes, sir. Here, about this point [indicating], is where I hauled the sand out.

Q. And your recollection is that along the line I trace with my pencil here, there was low, marshy ground, about a third of this half square?—A. Yes, sir.

Q. And that the high ground, where the shanties were, was on North Capitol street?—A. Yes, sir; between G and H streets.

Q. Here is a plan made by Mr. Entwistle (Diagram A), which shows that right here, on North Capitol and East F streets, in sinking a shaft they went 4 feet.—A. That is the northeast corner of F and North Capitol streets.

Q. On G and North Capitol they sunk a shaft 9 feet 9 inches?—A. Yes, sir.

Q. And on the east line they sunk shafts to the depth of 12 feet and some inches; one to the depth of 12 feet, and one 12 feet 6 inches?—A. Yes, sir.

Q. *And* the low ground, as shown by this diagram, is exactly where *you indicated* it was?—A. Yes sir.

Mr. GORMAN. I think he has got it right.

The CHAIRMAN. Then the diagram is wrong. He locates the entrance of Tiber Creek into the block out here 125 feet [indicating].

The WITNESS. Not at that entrance. Here is the point in here [indicating].

By the CHAIRMAN:

Q. How far from the present alley line did Tiber Creek enter block 678?—A. Which alley line?

Q. There is but one one alley line.—A. It entered right there. I think it came through the alley there [indicating].

Q. So now you have got the creek entering where the alley now is?—A. Yes, sir.

Q. How far did it run down the alley?—A. As far as you can see on the map, and then it turned to the right.

Q. Tell us how far it ran down the alley, without reference to the map.—A. About half way of the square, and then it turned to the right in there [indicating].

Q. That is a different statement from what you made before.—A. I wanted to correct it by the map, because I could not understand your questions. This is North Capitol street, where it was excavated for the sewer [indicating]. They found the bed of quicksand here, at the corner of G and North Capitol streets.

By Mr. GORMAN:

Q. I notice from this statement that you offered the Government some property?—A. Yes, sir.

Q. Where is your property?—A. On G street, between North Capitol and First streets, northwest, in square 624.

By the CHAIRMAN:

Q. Is that part of the present Government Printing Office square?—A. Yes, sir; the Government owns some lots right below mine.

By Mr. GORMAN:

Q. You made an offer under the advertisement you saw in the papers?—A. I made a bid, the same as was made by others.

Q. I understand that some of you gentlemen who made these offers thought the conditions of that invitation for proposals were such as to put you at a disadvantage. I will read this copy of it: "Proposals for a site for a building for the Government Printing Office." This is dated Washington, D. C., September 2, 1890. "Sealed proposals will be received until 12 o'clock m. of Wednesday, September 17, 1890, by the undersigned, for the purchase of a site for a new building for the Government Printing Office, said site to contain about one hundred and fifty thousand square feet, and to be within the bounds of H street north, First street east, B street south, and Ninth street west, in the city of Washington. Each proposal will state the location of the ground, the number of square feet offered, and the names and residences of the owner or owners. These proposals must be indorsed, 'Proposals for a site for the Government Printing Office,' and addressed to Hon. William Windom, Secretary of the Treasury, Chairman of the Board." The advertisement is signed by the gentlemen authorized to do so. What was there in that proposal that you objected to at the time?—A. I owned between five and six thousand feet of ground there, I suppose. I proposed to sell it to the Government for $2 a foot, with the improvements. The house I live in is a six or seven room house, constructed of brick,

and I have a carriage house on the lot. My property has a front of 32 feet and is 75 feet 4 inches deep. On the lot adjoining the house I live in there is a four-room brick, with a small building on the alley. I offered this property to the Government for $2 a foot.

Q. What do you value the ground at?—A. About $1.50 or $1.75 per foot; probably $1.50 per foot is a fair valuation.

Q. The improvements, then, are worth 50 cents a foot?—A. I averaged it, so as to bring the price to $2 a foot.

Q. What is there in this proposal that prevented you from having a fair opportunity to sell your property? What objection did you make to it?—A. I have not made any objection to selling my property to the Government.

Q. Do the conditions that were proposed in any way exclude you?—A. I could not assign any reason for objecting, any more than it appeared to me that the Government did not desire to obtain the square I am in, and we looked upon it as a matter of little importance to us whether they did or not. I believe some of the property holders there thought there was no use of making any bid at all. Some said they would not put in any bids, as it was hardly of any use.

Q. Why was it no use?—A. Because they heard that the other square had been decided on, and they thought it hardly worth while to put in proposals.

Q. You did it nevertheless?—A. Some did not.

Q. But you did?—A. Yes, sir; I did. I came to the conclusion that I would not let it go by default, and that I would let them know what I would do.

Q. Then you have no complaint to make as to the way the thing has been done?—A. No, sir; I have no grievance. The property is worth as much as I asked for it. It pays me well as it is. There is fine alley there, 30 feet wide and 600 feet long, giving us two or three alley entrances to that square.

By the CHAIRMAN:

Q. You could not get a railroad into that square without crossing North Capitol street, could you?—A. No, sir.

Q. Your main cause of complaint is like that of some others—you did not have enough land to sell?—A. No, sir; I do not care to see a railroad coming that close.

TESTIMONY OF JOHN BURNS.

JOHN BURNS, sworn and examined.

By the CHAIRMAN:

Q. How long have you lived in Washington?—A. Forty-one years.

Q. Where do you live?—A. At North Capitol street and Massachusetts avenue.

Q. How long have you lived there?—A. About thirty-seven or thirty-eight years.

Q. What is your business?—A. I am a laboring man. I have no trade.

Q. I suppose you have known the west half of block 678?—A. Yes, sir; I know it.

Q. You have heard the questions we have been asking in regard to the west half of this square. Will you state in your own way what

you know of its character, as regards the soil, where Tiber Creek ran, and all that?—A. Tiber Creek did not touch that part of the square at all.

Q. You do not think it touched this half of the square at all?—A. No, sir; it may have touched the southeast corner, but that is all. I had a cow stable built in the center of that square.

Q. In the center of the whole block, or in the center of the west half?——A. In the west half.

Q. How long ago was that?—A. Twelve or fourteen years ago.

Q. What was the character of the soil there?—A. The character of the ground at that time was pretty much all gravel. They came from all parts of the city to get gravel. That was the cause of the holes.

Q. The holes were caused by the removal of the gravel?—A. Yes, sir; the city had to fill it up again.

Q. When was the lot filled up?—A. About three years ago, I think.

Q. It was leveled off three years ago; but I mean when did they commence to haul stuff in and dump it on that ground?—A. A great many years ago; I do not recollect the time they commenced to do it.

Q. What became of the gravel that they hauled out?—A. It was taken away for use on the streets; it was used for paving sidewalks, and a great many people put it in their yards.

Q. Do you know whether the west half of square 678 was boggy or swampy before it was filled in?—A. No, sir; not to my knowledge.

Q. You never have seen any bog or swamp on it?—A. No, sir; I used to cross the creek several years ago, to go over to the other side of the railroad.

Q. While you had your cow stable there were they hauling stuff in to fill up the lot?—A. They were.

Q. Do you know anything about the construction of heavy buildings?—A. No, sir.

Q. Do you know whether a good foundation for a heavy building could be secured there?—A. If you can not get a good foundation on gravel you can not get it anywhere.

Q. You have not had experience as a builder, and therefore could not say whether the soil on that square would make a good foundation or not?—A. No, sir; I have had no experience; but I know gravel is the best foundation you can find, unless you go down to the solid rock; but gravel is as good as rock if it is compact.

TESTIMONY OF ANDREW GLEESON.

ANDREW GLEESON, sworn and examined.

By the CHAIRMAN:

Q. How long have you lived in Washington?—A. Thirty-eight years.

Q. How long have you lived in the locality of square 678?—A. Ever since I have been in Washington.

Q. Where do you live now?—A. I live now on the corner of First street northwest, on what is known as the Douglas property. I lived on this creek for the first six years of my residence here.

Q. What is your business?—A. I am a contractor.

Q. Are you a builder?—A. I have done some building.

Q. I wish you to state, from your recollection of the early conditions, about what this lot was like, how the creek entered it, etc.—A. The creek entered this square in two places. At the corner on G street it

took an angle in and then turned east again; then it turned back into the square and came out on F street.

Q. How far from the present corner of the west half of this lot did it enter on the G street side?—A. Probably about 30 feet; and on the F street front it crossed probably 75 feet from the corner.

Q. Was there any branch to the creek?—A. No, sir; in the middle of the square there was a ravine in which there was scanty water. In 1854 it was a place for dumping nightsoil. When Colonel Berret was mayor there was a man by the name of Gloetzbach, who was the scavenger, and he dumped nightsoil there for three years. We had to go to the police to stop him from doing it.

Q. What do you know about the character of the soil on the lot?—A. You can learn that by going down in the Tiber sewer. That will show you. The bottom of that sewer is cracked, and you can see the nature of the soil there.

Q. Where is that?—A. Along North Capitol street. If you will go down in the sewer you can see the nature of the ground. The bottom has fallen out of the sewer there.

Q. We can not go down in the sewer; but we want you to tell us.—A. If the Government wants to know, it can find out the nature of the ground by going into that sewer.

Q. You tell us what the nature of the ground was from North Capitol street to the creek.—A. It was filled up for 20 feet.

Q. Was it filled up along North Capitol street?—A. No, sir; it was cut down there.

Q. How much?—A. Six or 8 feet.

Q. The ground was originally 6 or 8 feet higher than the present level there?—A. On the corner of North Capitol street and Massachusetts avenue there was a knoll which was about 8 feet above the level of the square, I suppose.

Q. Is the trouble with this sewer that you speak of caused by its being placed in the bed of Tiber Creek?—A. No, sir. There was no sewer put in the bed of Tiber Creek. It is on North Capitol street. From G street, where the old creek used to be, they built the sewer of North Carolina pine. They could not get a foundation.

Q. There was no sewer put in the bed of Tiber Creek, was there?—A. A portion of the sewer was put in the bed of the creek.

Q. Whereabouts?—A. The portion that runs down across New Jersey avenue, where the District building is.

Q. There was no part of the sewer built in the bed of Tiber Creek, on block 678, was there?—A. No, sir; the sewer was on North Capitol street, on the west side of block 678.

Q. What has been your experience as a builder and contractor?—A. I have helped to put down a great many foundations.

Q. What do you say as to the soil on block 678 being capable of supporting a heavy building?—A. You can get a good foundation in the Potomac.

Q. Of course you can, if you go deep enough.—A. I went into the sand there once and very near drowned.

Q. What do you say as to this soil, which you are so familiar with, being sufficient, with ordinary expenditures and ordinary safeguards, to afford a foundation for a large structure, such as will be needed by the Government Printing Office?—A. You can get a good foundation by going deep enough.

Q. I will repeat the question: What do you say as to this soil, which *you are so* familiar with, being sufficient, with ordinary expenditures

and ordinary safeguards, to afford a foundation for a large structure, such as will be needed by the Government Printing Office?—A. You can get a good foundation there.

Q. When you say you can get a good foundation there, do you mean at a reasonable expense?—A. No, sir. It would cost twice as much to get a good foundation there as it would where you had solid ground, probably three times as much, and then you would not get a good one.

Q. So, while you could get a good foundation, it would be very expensive, in your judgment?—A. Yes, sir.

Q. You say you know there is quicksand there?—A. I do, sir.

Q. In front of the square on North Capitol street?—A. On the square.

Q. That was the highest part of the ground, was it not?—A. Yes, sir. Where they laid the old Tiber sewer the bottom is falling out now.

Q. As you leave North Capitol street and go east over the square it has been filled?—A. Portions of it have been filled in 20 or 25 feet.

Q. What portion of the square has been filled in to that depth?—A. I guess about 75 feet from F street; probably with the parking and all it would be 100 feet.

Q. How far would that be from the alley on the east side of the west half of the square?—A. About 100 feet, I should say.

Q. About 100 feet from the alley and 100 feet from F street?—A. Yes, sir. At this point I think you would have to go down 20 feet before you could get a footing for a foundation. You might get a foundation at a less depth by putting in concrete and one thing and another.

Q. Have you made an offer of some land to the Government under this advertisement?—A. Yes, sir.

Q. Where is your land?—A. On the alley next to the Government Printing Office, on North Capitol street.

Q. How much did you offer?—A. About 14,000 feet of ground.

Q. At what price?—A. At $3 a foot.

Q. Are there any improvements on that land?—A. Yes, sir.

Q. What are they?—A. Buildings that cost me $20,000.

Q. Are you the owner of that brick block of tenement houses next to the Government Printing Office?—A. Yes, sir.

Q. Did you understand the question I asked you a few moments ago, as to whether you could get a good foundation on square 678 with ordinary precautions and safeguards?—A. It would cost more than it would on higher and better ground.

Q. You did understand my question, then?—A. Yes, sir.

Q. As to this matter of quicksand, have you had enough experience to know that you are as apt to strike quicksands on high ground as on low ground?—A. Not without there are springs on the high ground.

Q. No doubt there are springs on high ground; but whatever has caused it, do you not know it to be a fact, if you have had any experience in such matters, that you are just as apt to strike quicksand in digging in a hilly country as in the swales and lowlands?—A. I have had as much experience as any man in America in digging foundations, and——

Q. (Interposing). That does not answer my question.—A. You do not find quicksand in solid ground.

Q. Are you not as apt to strike beds or pockets of quicksand in high ground as in low ground?—A. No, sir.

Q. Have you examined these test pits that were sunk on block 678?—A. No, sir.

Q. You have never seen them?—A. No, sir.

Q. You have not been over on the square to look at them?—A. No, sir.

Q. Suppose that on this half square test pits had been sunk at the four corners and in the center to depths varying from 4 and 6 feet on the west side to 12 feet on the east side, and that Mr. Entwistle, the inspector of buildings of the District, Mr. McComb, the superintendent of sewers of the District, and Mr. Clark, the Architect of the Capitol, should say that at those depths soil could be found of a suitable character to sustain a heavy building such as is required for the Government Printing Office, what would you say?—A. I should say they were wrong.

Q. You would set your judgment against theirs?—A. Yes, sir.

Q. Would you base your judgment upon that experiment? Suppose test pits to have been sunk at the points named and at the depths indicated, and that those test pits struck solid earth which these gentlemen say would afford a good foundation, what would you say?—A. I should say they ought to go down 10 feet farther and see what is there.

Q. You would go below what they say is solid earth?—A. I would go 10 feet below that and see what is there.

Q. How deep would you say the filling is at this point you have designated?—A. I should say about 20 feet. That has all been filled in with old rubbish, tar barrels, and things of that sort.

By Mr. GORMAN:

Q. I understood you to say, from your personal knowledge of this ground long before it was filled up, that there is a bog under that bed of gravel that is found in the stream?—A. I saw Peter McNamara, the contractor, plowing there, and when he got through the first bed of gravel his horses went down, and he could not get them out until they were hoisted out. That was twenty-eight years ago.

Q. So, from your personal knowledge and recollection, you think that on the east half of this ground that is in contemplation as a site for a Government Printing Office you would have to go down from 25 to 30 feet for a foundation?—A. Yes, sir; in a portion of it. They went down 25 feet with the Tiber sewer, and they have not found a foundation yet. That is proof enough, I think.

Q. Then you do not think, from what you know of the land, that the examination has been a sufficient test?—A. No, sir.

Q. And you further say that on the west side of this square, on North Capitol street, they actually discovered quicksand?—A. Yes, sir. A man by the name of Williams built a sewer there, and he had to put in North Carolina pine as a foundation for the sewer, and in places where they did not put in pine the bottom has gone out.

Q. What personal experience had you as to quicksands in going across this ground before it was filled?—A. You could not go across it with loads. I was wagonmaster for the Government, and I remember the condition of that ground very well. There was one place on G street which you could cross; it was solid up there; but you could not cross on the F street side. We had to put a bed of gravel in there to make a road across. Sometimes a freshet would come and wash that all out. I have seen it when a ship could sail along there. I have seen the families on G street wading out to save their lives. There was a bridge there which was swept away, and the freshet on one occasion swept away a hotel owned by a man by the name of John Foy, on New Jersey avenue.

Q. You have had a great deal of experience as a contractor, probably as much as any man in this city. Would you take a contract, *under the ordinary* terms, for the construction of a foundation of such

a building as is required for the Government Printing Office, and take the risk of finding a suitable footing there for your foundation?—A. No, sir; I would not like to take it at the regular terms. I would not guaranty it to stand for twice the regular price charged for such work.

Q. Do you mean to say that you would not undertake to construct a foundation there for twice the amount that is paid for the construction of the foundation of the library building on the hill?—A. No, sir; I would not.

Q. And that is based on your personal knowledge of the character of the ground for the past twenty-five or thirty years?—A. Yes, sir.

Q. If a building was constructed there, and they only went down 12 or 14 feet, what would be the condition in high water as to the flooding of the cellars?—A. The creek is filled in, and the Tiber sewer takes off all the water. If the Tiber sewer should cave in it would be in a bad way.

Q. Do you have any trouble from the present sewers in that vicinity?—A. No, sir; we have not had any trouble since they built that sewer along boundary. We had considerable trouble before that was constructed.

Q. They have diverted the Tiber sewer?—A. Yes, sir; into the Eastern Branch.

Q. So you not apprehend any danger from the sewers?—A. No, sir; not unless the sewer falls in.

Q. You base your opinion of the character of the soil upon your personal knowledge?—A. Yes, sir. If any one who is interested will come with me I will show him the condition of the ground just as I have described it.

Q. You say you offered some property to the Government in this case?—A. Yes, sir.

Q. And it was rejected?—A. Yes, sir.

Q. How much does that influence your opinion in this matter?—A. The selection of this site makes my property better. It only improves my property for them to build the Government Printing Office over here. It is only across the street from me.

Q. Then you have no grievance?—A. No, sir; I do not care whether I sell my property or not. I do not owe a dollar on it; it is mine.

Q. Is there an complaint on your part or on the part of other property owners that you did not have a fair opportunity to have your property considered?—A. I heard of the report that these parties got up. It was understood that there was no use of bidding, as the money was appropriated for this particular piece of ground; but I concluded I would make a bid anyway.

Q. You do not consider that the terms of the advertisement excluded you?—A. No, sir.

Q. You were on an equality with the owners of this square and everybody else?—A. Yes, sir.

By the CHAIRMAN:

Q Let me get at the details of some of these historical facts that you have been giving us. You say you have seen enough water in the Tiber to float a vessel?—A. Yes, sir.

Q. What size vessel would it float?—A. I have seen water enough there to float the *Great Eastern*, sir.

Q. You will swear to that, will you?—A. Yes, sir; the whole place was covered with water.

Q. When was that occasion?—A. I think it was in 1855 or 1856, as near as I can get at it. All the commons were covered.

By Mr. GORMAN:

Q. Pennsylvania avenue was under water, was it not?—A. Yes, sir.

By the CHAIRMAN:

Q. Where there any buildings on Pennsylvania avenue then?—A Yes, sir.

Q. What was the condition of affairs where the National Hotel stands?—A. There was no water where the National Hotel stands. There was a hotel on New Jersey avenue that went out.

Q. Was this flood from the river?—A. No, sir; the water came from the county. That was before they built a sewer into the Eastern Branch to carry off some of the water.

Q. Was it an excessive rain or a cloud-burst that caused the flood?—A. We had some rain.

Q. It did not occur during dry weather?—A. No, sir.

Q. When was it that the gentleman you have named, Mr. McNamara, was plowing and had his horses swamped in the furrow?—A. That was in 1868, after Mr. Bowen was elected mayor.

Q. He was plowing that lot, was he?—A. No, sir; he was plowing the creek bed.

Q. He was not plowing on the west half of this square, was he?—A. There was a portion of the creek bed on this west half, and he was plowing there.

Q. He was not plowing the whole lot, for the purpose of putting in a crop, was he?—A. No, sir; he had a contract from Mr. Bowen to pave Indiana avenue from the City Hall down, and he was getting gravel out of the creek bed.

Q. He was plowing for gravel in the bed of the creek?—A. Yes, sir. The bed of the creek there was composed of sand and gravel which was brought down by the freshets, and he leased the ground and was plowing for the gravel, and after he took off the first layer his horses went down in the quicksand.

Q. In the bed of the creek?—A. Yes, sir.

Q. You do not wish to be understood as saying that he was plowing the surface of this lot outside of the bed of the creek, and that his horses while he was making his furrows went through into the quicksand?—A. No, sir.

Q. That is the impression I got from your former testimony?—A. Yes, sir; that is right.

Q. Then you do say he was plowing the surface of this lot?—A. Yes, sir.

Q. You swear that Mr. McNamara, at the time you have mentioned, was plowing the surface of this lot outside of the bed of the creek, and that his horses went through the furrow and disappeared in the quicksand?—A. No, sir.

Q. I misunderstood your testimony, then. I understood you to say that.—A. I have seen cows swamped in that stream, on that lot, and they had to be taken out.

Q. On top of the hill near North Capitol street?—A. No, sir; about 150 feet from North Capitol street.

By Mr. GORMAN:

Q. In the center of the lot?—A. Yes, sir.

Q. You have seen cows mired there?—A. Yes, sir; and they had to be taken out.

By the CHAIRMAN:

Q. Were those Mr. Burns's cows?—A. I do not know. Mr. Burns had a place down there.

By Mr. GORMAN:

Q. What is your opinion as to the value of this property?—A. I could not tell.

Q. You would not like to place an estimate upon it?—A. I offered Mr. Smith $2.25 a foot for the corner on North Capitol and G streets.

Q. Would you put the same valuation on it as a whole?—A. No, sir.

Q. What would you consider a fair valuation of that property?—A. I suppose the North Capitol street property ought to be worth $2 or $2.50 a foot. I will give Mr. Smith $2.25 for 100 feet on North Capitol street and 100 feet on G street.

Q. For ordinary building purposes?—A. Yes, sir.

By the CHAIRMAN:

Q. What would you give for the whole lot?—A. I would not buy it.

Q. What is it worth in the market?—A. I do not know.

By Mr. GORMAN:

Q. If you were going to put up a large building in which you desired to place heavy machinery, what would you give for this lot as a site for such a building?—A. I would not buy it to put a heavy building on it.

Q. You do not think it is fit for that purpose?—A. No, sir.

Mr. THOMAS. Mr. Chairman, as I understand Mr. Gleeson's testimony, he has stated that they had to go down 25 feet for the foundation of the Tiber sewer. I would like to have you ask him what were the dimensions of that sewer, the depth of the foundation, the height of the arch, and the depth of the top of the sewer below the surface.

The CHAIRMAN. Mr. Gleeson can answer that.

The WITNESS. That sewer is 8 or 9 feet below the surface.

By Mr. THOMAS:

Q. What is the diameter of the sewer?—A. I think it must be 10 or 12 feet in diameter.

Q. Is it not 15 feet in diameter?—A. It is larger one way than the other.

By the CHAIRMAN:

Q. What is its span?—A. I could not tell you. It is longer one way than the other.

By Mr. THOMAS:

Q. What is the shape of that sewer? Is it not something like that [handing witness D-shaped sketch]?—A. Yes, sir; the bottom of that is where the North Carolina pine foundation is.

Q. Is that sewer, where it is that shape, 15 feet from the top of the arch to the bed of it?—A. I guess so; but there is 8 feet of filling on top of that.

Q. That is, to the surface of the street?—A. Yes, sir.

Q. It would be necessary, therefore, to go down 8 feet to get to the top of the sewer?—A. Yes, sir.

By the CHAIRMAN:

Q. You make the depth of the sewer on North Capitol street 23 f below the surface?—A. Yes, sir.

Q. So if you could get a foundation for this building on square 67 a depth of 12 to 15 feet, you would have plenty of fall for drain into that sewer?—A. Yes, sir.

Mr. THOMAS. Mr. Gleeson, as I understand it, built a row of hou on North Capitol street, opposite this square last year. I would l to know what difficulty, if any, he encountered in finding a suita foundation for his houses.

The WITNESS. My houses are not large, and I put a concrete foun tion under them.

By Mr. THOMAS:

Q. Is there any quicksand on that side of the street?—A. Th might be; I did not go down deep enough to see.

By the CHAIRMAN:

Q. How deep did you go down?—A. I built a house twenty-six ye ago, and went down about 6 feet. This time I went down in the neighl hood of 3 feet 6 inches, and put in a concrete foundation.

Q. What I understand you to say is that on either side of Nc Capitol street you could get a good foundation for an ordinary hou but you do not think it is safe and proper to construct a large build there in which heavy machinery would be used?—A. It would cos great deal to make a foundation there for such a building, and I wo not like to undertake it.

Mr. THOMAS. I would like to ask one more question, Mr. Chairm (To the witness.) What soil did you encounter in your foundation?

The WITNESS. All along North Capitol street you get sand.

By Mr. THOMAS:

Q. That is good building and paving sand, is it not?—A. Until go down, and then it is wet and moist.

TESTIMONY OF DENNIS FITZGERALD.

DENNIS FITZGERALD, sworn and examined.

By the CHAIRMAN:

Q. Do you live in Washington?—A. Yes, sir.

Q. How long have you lived here?—A. About thirty-seven years

Q. Where do you live?—A. On square 625, west of square 678.

Q. You live on G street, near North Capitol?—A. Yes, sir.

Q. How long have you been familiar with block 678?—A. A gr many years.

Q. Will you state your knowledge concerning its original conditi before it was filled, and the course of Tiber Creek near or through it A. I rented that ground and had charge of the square upon which Ti Creek ran for a good many years.

Q. During what years?—A. Until about the time the sewer was through North Capitol street, and then I quit. The place was cut then. I rented it from Mr. Corbin, of New York, who owned the squ before it came into the hands of Messrs. Smith & Galt. I leased the cre and had charge of the ground on the whole square to prevent dam by people taking away the gravel. I hauled sand and gravel out of t

creek for years. I leased it to Mr. McNamara, the man Mr. Gleeson referred to; at least I sold him the gravel in the bed of the creek. Mr. McNamara was paving the streets here, and needed the gravel for that purpose. I sold him the gravel which was found there, and he used to plow the bed of the creek to get all the sand and gravel he could.

Q. This deposit of gravel was caused by the wash during high water, was it?—A. Yes, sir; I also ran material out of the creek several years myself, and on one occasion I found in the bed of this creek a spring containing quicksand. I had worked it several times before, and had never struck such a place; but one day I was plowing there and was surprised to see one of the horses stuck in the quicksand in the bottom.

Q. Where was that point?—A. About the center of the creek. It was between G and F streets, about the center of the block.

Q Was it at a point on the west half of this square?—A. Yes, sir; I suppose about the center of the baseball ground.

Q. Was that the bed of the creek?—A. I think so.

Q. You do not mean it was in the center of the ball ground, do you?—A. I mean the center of the fence line, on the east side of the square.

Q. About the center of the east line of the baseball grounds?—A. Yes, sir.

Mr. WILSON. Will you have him mark on the plat where that is?

By the CHAIRMAN:

Q. Where is it you say that quicksand was found by you?—A. About the center of this line, between F and G streets.

Q. That would be about where I put the "cross?" (The chairman makes a "cross" on the Diagram A.)—A. Yes, sir.

Q. State the course of Tiber Creek through this lot, where it entered and where it left the lot.—A. The Tiber struck right across into G street from an old tenement house that Mrs. Gorman owned on the east side of the creek.

By Mr. WILSON:

Q. Where would it be with reference to the present alley, east or west of the alley?—A. It struck through the alley pretty well. It came through toward this fence that I have signified there.

By the CHAIRMAN:

Q. Then it ran across the northest corner of the west half?—A. I think it cuts off the northeast corner.

Q. Then how does it run?—A. I took my observations this morning, on account of being summoned up here, from a point south of the east corner of this ground. There was an old frame house there formerly, to the east of the creek, and the fence belonging to that property ran toward the creek, and the creek was still to the west of the fence. All this property has been filled in and fixed up in better shape. I took my observations to-day from that man's property. He has bounded it on the west side with a brick wall, and this creek ran west of that.

Q. What do you mean by that, the planing mill property?—A. I mean the house south of F street.

Q. On this lot?—A. It is at this point [indicating], across the street. I have been so familiar with the place for years, having worked in the creek, that I went this morning to take a general view, and by taking an observation of this property which Raedy owns there I found that the fence runs west of his house, and the creek west of that. By taking an observation from that point to G street I could locate where it was.

Q. Where did it lie?—A. There was a brick house built right at the northeast corner of Mr. Smith's building, where it lies on the alley on G street. That house was right in the bed of the creek, and in those days there was an alley occupied by the bed of the creek. That line [indicating on diagram A] comes under where that house stood in the bed of the creek. Right west of that was a lot, and that lot is vacant to-day.

Q. Where did the creek run into this lot?—A. About the center of that fence [indicating].

Q. Here is G street, here is the alley, and here is F street [indicating]. Point out where the creek entered the lot?—A. From the house in the bed of the creek, north of G street, the creek runs in here [indicating], and cuts through this point here, and then west again down through here to F street, where this Raedy property is which I examined this morning, and which is located here [indicating].

Q. Then, as I understand you, the old creek ran through the southeast corner of the west half of this square?—A. Yes, sir.

Q. Did it run anywhere else on the west half of this lot?—A. No, sir.

Q. Did it run in on the northeast corner here [indicating]?—A. No, sir; it did not.

Q. But came in here [indicating] and ran across the southeast corner only?—A. Yes, sir.

Q. What did you say your business was?—A. Sand and gravel contractor. I haul material for building.

Q. Have you had experience in the building of brick structures?—A. So far as my business is concerned, I have had a good deal of experience. I furnish material for building, dig cellars, and all such things as that.

Q. Do you think you have had such experience as would warrant you in giving an opinion as to the capability of this soil to sustain the foundation for a heavy building?—A. To look at the top surface along this fence, you would think it would make a good foundation; but as you go down, as Mr. Gleeson says, it gets worse.

Q. Have you dug down to see?—A. I have dug in the bed of the creek. If the same character of stuff that appears in the bed of the creek extended back into the land, you would find a good foundation.

Q. Does that character of soil extend back into the land?—A. I can not tell. It probably runs out 50 feet or so.

Q. If it runs back from the bed of the creek 50 or 100 feet, there is no reason why it should not also appear four or five hundred feet from the creek, is there?—A. It might.

Q. You are just as likely to find quicksand beds under the site of the present Government Printing Office as under this lot, are you not.—A. If you went deep enough, you probably would. I have mined a great deal of the property there in my days, during the eighteen or twenty years that I have been in the business. Some places you will strike a nice foundation, and other places you will strike spring water and sand.

Q. You might do that anywhere. They do that on F street in constructing buildings there.—A. Very likely.

Q. Your opinion as to the advisability of using this ground for a large building would depend entirely upon what test pits might discover?—A. Yes, sir. In some places you might strike a good foundation at a certain depth, and you might go down farther and strike worse ground.

Q. You think, then, that the test pits that have been sunk to the *original* surface should go deeper?—A. In order to test the matter thor-

oughly for such a building as you are going to erect for the Government Printing Office you should go deep enough to secure a good foundation. You might dispense with a good foundation by putting in concrete. I have seen houses put down on timbers, with concrete foundations laid under them, but that would not do for such a building as this. I will state a circumstance in regard to the sewer on North Capitol street. I have a house right opposite where I live now, on G street, and the water has backed up in that cellar two or three times. The cellar was in such a condition that my tenants left the house, and I went to the District Government and told them if they did not remedy the matter I would sue them. The water has backed up two or three times in that North Capitol street sewer.

Q. That is an incident which occurs even in high localities, where there are sewers is it not?—A. This was an overflow caused by back water that came originally from the river.

Q. You think it came from the river?—A. I know it; because at the time they were constructing the sewer there I saw planks float right back where they were working, and that was the result of backwater from the river.

Q. What did you conclude from the great flood of several years ago?—A. I noticed the iron traps of the sewer on North Capitol street sewer slap up and down.

Q. At this time you spoke of?—A. I think it was later than a couple of years ago.

Q. You remember the great flood I have referred to?—A. Yes, sir; I remember the water was so powerful that it used to move the iron traps on the top of the manholes. The sewer was full to the top.

Q. Where did that occur?—A. Right near the corner where I live, at the corner of North Capitol and G streets.

Q. How far up North Capitol street did that condition of affairs extend?—A. Clear beyond St. Aloysius' Church.

Q. That is above the Government Printing Office?—A. Yes, sir; I know it went away beyond the Government Printing Office.

Q. Do you know whether or not the cellars of the Government Printing Office were flooded at that time?—A. I do not know whether they have any cellars.

Q. You think this condition you have described, where the force of the water was so great that it moved the gratings over the manholes, extended as far up as the church of St. Aloysius?—A. Yes, sir; I think it extended that far. There were several people who came there through curiosity, to see these things slapping back and forth.

Q. You have no question about it extending between G and H streets, in front of the Government Printing Office?—A. I have no doubt of that. This was a monstrous flood that came down there on that occasion.

By Mr. WILSON:

Q. That flood came from above, did it not?—A. Yes, sir.

By the CHAIRMAN:

Q. It was not caused by water backing up from the Potomac, then?—A. It was a powerful flood, which came down from Eckington and Beall's Creek.

Q. It was a sudden flood and outflow of water that filled the sewers?—A. Yes, sir.

Q. That has nothing more to do, as I understand it, with reference to the capability of this lot to sustain a heavy Government building

than it has to do with the continuance of the present Governm Printing Office?—A. No, sir.

Q. In other words, this flapping up and down of the tops of th manholes on account of this sudden rush of water from away out No Capitol street does not affect the question as to whether there are qui sands or bogs or swamps on this lot?—A. No, sir.

Q. Tiber Creek had nothing to do with it?—A. It was merely an ov flow of water.

Q. Merely one of these phenomena which are likely to occur every wh but which had nothing to do with the subject at hand?—A. Yes,

Q. Are you interested in any of the property offered to the Gove ment?—A. No, sir.

Q. Are you a bidder?—A. No, sir; I have put no bid in. I hav house on the square where the Government Printing Office is; I ow building there.

By Mr. GORMAN:

Q. What year did you take charge of the property out there?— It was several years ago.

Q. How many years ago?—A. I guess it has been over fourteen fifteen years ago.

Q. How long have you known the property?—A. This property tl I leased?

Q. This square that we have been talking about, that the Gove ment proposes to take.—A. I have known it for thirty-five years.

Q. It was a dumping ground prior to that?—A. Yes, sir; it wa dumping ground. It took a great deal of stuff to fill it up, especia about the center of it, where the creek came in.

Q. Was it filled up with garbage?—A. All of it needed filling exc the front on North Capitol street. Just a little of that front did need so much filling. From that point east to the railroad some of was filled up to a depth of 20 feet. I suppose in the bed of the cre there was about 20 feet of filling. I do not think it could be any l than that.

Q. From your knowledge of the general character of that soil, do y suppose they could get a good foundation for a large building at a r sonable cost?—A. As I stated before, you might go to a certain de there over the bed of the creek and it would be as good a foundation you could put a pick or shovel into, but if you went down deeper y would find it different. I found a very springy bottom in that cre

Q. Do you mean to say that under the layer of sand and gravel the was a bog?—A. There was as nice gravel there as you could find a where, but when you got down through the bed of the creek, wher used to operate in getting sand, it was springy and swampy. horses went down so deep there one day that I was surprised, an took my shovel and tried the soil underneath, and I found it very spri in the bottom.

Q. How far do you suppose that condition extends from the cr through the square toward North Capitol street?—A. There was a ba about 4 feet high where I found this stuff. Between that and F str under this gravel, there was a kind of muddy bottom, composed of s that was very sticky.

Q. What do you know about quicksands being found on North Ca tol street in putting down the sewer?—A. I know there was a spri found in the bottom when they were sinking that sewer, which cau *it to cave in*, and threw down their arch. I think that was a kind of r

loamy sand. There was a great deal of that kind of soil along that square from F street to G street; but as they went out toward the church it got to be a mud bottom.

Q. So you found quicksands on both sides of this lot, east and west of it?—A. Yes, sir.

Q. How deep would you have to go, in your judgment, right over that creek, to get to the bed of the creek?—A. The banks of this creek were from 5 to 6 feet above the bed of the stream, along from F street to G street. The bank was a little higher at G street than it was at F street. I suppose on an average the bank was about 5 feet above the bed of the ravine.

Q. How much filling is there on top of that?—A. I should say 14 or 15 feet.

Q. How much filling is there over the bed of the creek?—A. It would average about 20 feet over the bed of the creek.

By Mr. WILSON:

Q. Taking the general surface of the lot as it is now, how far would you have to go to get to the bed of the old creek?—A. It is about 20 feet to the bed of the creek, but not to the original surface of the lot.

By Mr. GORMAN:

Q. What I want to know is, how far you would have to go down to strike the bed of the creek?—A. I suppose about 20 feet.

TESTIMONY OF JOHN ELBERT.

JOHN ELBERT sworn and examined.

By the CHAIRMAN:

Q. What is your place of residence?—A. No. 54 H street northwest.

Q. That is near what cross street?—A. Between First and North Capitol streets, adjoining the Government Printing Office.

Q. How long have you been living there?—A. I have been living there about twelve years.

Q. What is your business?—A. I am in the shoe business; I am a dealer in and manufacturer of boots and shoes.

Q. Do you know anything about this lot in question here?—A. Yes, sir; I have known that lot since 1870.

Q. That was before it was filled in?—A. Yes, sir.

Q. Describe the character of the soil on this lot, the course of the creek, etc.?—A. My recollection is that from North Capitol street to the creek, along G street, it has been filled in from 1 foot to 10 feet.

Q. Running from North Capitol street east?—A. Yes, sir; right along the edge of the baseball park. The reason I know is that my wife has property opposite, and right in front of her property there was at least 5 or 6 feet of filling.

Q. That is on G street?—A. Yes, sir; and the filling increased as it went toward the creek. That is on the street. Of course the baseball lot was deeper than the street; consequently the filling on that baseball lot, according to my opinion, must be all the way from 5 to 20 feet.

Q. What as to the F street side of the lot? Are you familiar with it there?—A. No, sir. I am not familiar with the F street side of the lot.

Q. Do you know where the old creek ran before it was filled?—A. I could not exactly locate it.

Q. You can not fix it definitely with reference to this present lot?—A.

No, sir. I have an idea, though, that it commenced at the end of baseball park, where the rear fence is, running along the line of alley, and coming out on Massachusetts avenue and F street. Th my recollection.

Q. Near the southeast corner of the lot?—A. Yes, sir.

Q. Practically where most of these people have stated?—A. Yes, the description given by several of them is correct, I think.

Q. Have you had any experience in the construction of large bu ings?—A. None whatever.

Q. Have you had experience sufficient to warrant you in say whether the soil on the lot in question would afford a proper founda for a heavy building?—A. No, sir.

Q. Is there anything else in connection with this matter that you give the committee?—A. No, sir.

By Mr. GORMAN:

Q. Are you one of the signers of this statement that we have here A. No, sir; I think not.

Mr. KELLEY. The question has been asked as to what objection made to the terms of the advertisement for proposals. I desire to that I have made no objection whatever.

Mr. SMITH. I would like to add to my testimony that the spot i cated by Mr. Gleeson on the square, supposed to be 100 feet fro street and 100 feet from the alley, was the last hole that was dug t and the one that was testified to by Mr. Entwisle.

The CHAIRMAN. He locates that up at the northeast corner.

Mr. SMITH. I beg your pardon, this is at the southeast corner. is the one Mr. Gleeson spoke of. We dug a hole about 100 feet fro street and about 100 feet from the alley.

The CHAIRMAN. What depth did you go?

Mr. SMITH. Twelve feet, to a gravel formation.

The CHAIRMAN. How many holes were dug there?

Mr. SMITH. Six. This is an extra hole, dug after Mr. Entw made his examination.

The CHAIRMAN. Mr. Fitzgerald's idea is that if you go below thi foot point you will find quicksand.

Adjourned to meet at 10.30 o'clock a. m. Saturday, January 10, 1

WASHINGTON, D. C., *January* 10, 189

Committee met pursuant to adjournment.

Present: Mr. Manderson (chairman), Mr. Hawley, and Mr. Gorm also the Public Printer, Samuel Shellabarger, Esq., S. T. Thomas, E Edgar Allan, Esq., Mr. Thomas W. Smith, and others.

TESTIMONY OF DAVID E. McCOMB—recalled.

David E. McComb recalled and examined.

By the CHAIRMAN:

Q. Was this plan or plat prepared by you? (See Plat C, Ap dix).—A. It was prepared under my direction.

Q. State, if you please, if it is a correct representation of the co *tion* of the sewers, streets, etc., about block 678?—A. It is a cor

transcription of the official records in the engineer department, and shows the existing state of affairs as near as may be.

Q. Can you state now as to the size of the sewer that runs along North Capital street, on the west side of this block?—A. It has 20 feet span; that is, it is 20 feet wide.

Q. Will you state as to its shape, depth, etc.?—A. It is D-shape, and I think it is 11 feet 9 inches, or thereabouts, in height.

Q. Do you mean that it is that distance from the bottom of the sewer to the top of the span?—A. Yes, sir; to the top of the sewer.

Q. Then what is the thickness of the material, the brick?—A. The brick arch is 4 rings thick. That would make it about 18 inches thick.

Q. Then what is the depth from the surface of the street to the top of the brickwork of the arch?—A. It would vary, depending on the locality.

Q. Approximately?—A. It would be 13½ feet from the top of the arch to the top of the grade line of the sewer, and the sewer is 15½ feet.

Q. That is, it would be 15½ feet from the bottom of the sewer to the surface of the ground?—A. It is not far from 15½ feet.

Q. What is the size and general description of the sewer in the alley on the east side of the square?—A. The sewer in the alley is a pipe sewer, 15 inches in diameter.

Q. At what depth is that sewer below the surface?—A. The bottom of the sewer is about a mean of 8 feet below the surface.

Q. Did you have anything to do with the original construction of either of those sewers, or are you familiar with the conditions that existed when they were built?—A. Yes, sir. It is my impression that I gave the grades in this portion of the sewer; but I will not be positive about that. It may have been in the next block; but in 1874 or 1875 I gave some grades on that sewer. I was generally familiar with it, because I was looking out for the work on the sewers in that section of the city at that time.

Q. What did you find the condition of the soil to be in making the excavation for placing the sewer on North Capitol street?—A. A good foundation was secured, sufficiently firm to allow of the construction of the sewer.

Q. Did you strike quicksand?—A. No, sir.

Q. Has there been any damage to the sewer since it was constructed, from any cause, which necessitated repairs?—A. The sewer has been damaged, but not through defective foundations. It has been damaged by scouring of the bricks. The bricks being of ordinary quality, have been badly scoured by the water carrying heavy stuff down the sewer in times of excessive floods. That has scoured the bottom out in places, and it has been repaired, and there is still some repairs needed at the present time.

Q. You say that condition was not caused by defective foundation?—A. It had no reference to the foundation; it was simply caused by erosion.

Q. Have you made any further examination of this block since you testified the other day, with reference to seeking a foundation?—A. I have not.

Q. Do you know whether any further exploration has been made in the way of sinking test pits and boring?—A. I have understood there has been, but from my own knowledge I can not say that it is so. I was asked by Mr. Smith to go out this morning, but I found it impossible to get there, and did not go.

Q. Is there anything else you care to say in regard to the matter?—A. My attention was called to the fact after I testified here that in the

office records there was an old plan which showed the line of level through the bed of that stream, and I brought it with me, thinking it might throw some light on the subject. (See plat D, Appendix.) This is an old plan, which, since it has been called to my attention, I remember having seen in the office.

By Mr. GORMAN:

Q. How old is it?—A. It was made about 1875.

By the CHAIRMAN:

Q. Was that before the construction of the sewers or afterward?—A. Before the construction of either of these sewers [indicating]. It was after the construction of the Tiber sewer.

Q. By the Tiber sewer you mean the sewer that runs through block 680?—A. No, sir; I mean the North Capitol street sewer, instead of the Tiber sewer. They are sometimes confounded.

Q. Was this plan prepared with a view of running the sewer down the alley?—A. No, sir. This was a plan proposing a sewer which was to drain the valley between North Capitol and First streets. It was for local drainage simply, and was not intended to take the place of the North Capitol street sewer.

Q. It was a plan for a pipe sewer?—A. It was intended to be a pipe sewer. There are lead pencil marks there [indicating] showing it was intended to be a pipe sewer. It is marked "18 inches" there [indicating] and "18 inches" there [indicating]. It was intended to run the sewer through there [indicating], discharging into the F street main sewer.

Q. What does this map show to you, as an expert? Does it show the course of Tiber Creek?—A. This is a map showing the profile and center line of Tiber Creek as it existed at that time.

By Mr. GORMAN:

Q. What is there on the map to show that?—A. This red line, which is the axis of Tiber Creek [indicating]. That agrees with my recollection of Tiber Creek.

Q. Do you mean to say that straight line shows the course of Tiber Creek?—A. Practically, sensibly. Of course it does not take account of the sinuosities of the creek, but the general line of the creek following sensibly the center of the bed.

By the CHAIRMAN:

Q. Would that map, with the usual engineering process of taking bearings from point to point at distances of perhaps 100 feet, show correctly, or with approximate correctness, the point of entrance of the creek into block 678?—A. It shows the line of the living stream. The creek itself was wider. It was wider for a considerable distance through this portion [indicating], and it overflowed during time of high water. But the living stream occupied sensibly the line as shown by that red line.

Q. Where, with reference to the west half of block 678, as evidenced by this map, did Tiber Creek enter the block on the north side?—A. It entered the east half of the block on the north side, a short distance eastward of that substreet running through the block.

Q. That is, east of the alley shown on the present map?—A. Yes, sir.

Q. At what point did the stream cross the east line of the west half of block 678?—A. It crossed the southeast corner.

Q. *And at a* distance of perhaps how far from the southeast corner?—

A. It entered upon it at a distance of about 100 feet from the southeast corner.

Q. And made its exit where?—A. At a point somewhere in the neighborhood of 25 or 30 feet west of the alley along the line of F street.

Q. I see there is on the side of this plan a profile showing the bottom of the creek?—A. Yes, sir.

Q. Will you state what the depth of the bottom of the creek was at the different points between the north line and the south line of block 678?—A. At a point 100 feet north of the north line of F street, in the bed of the creek, the elevation of the ground as shown there is 10.22 feet above mean high water, or the datum plane of the District, which is practically the same, but not exactly; and at the north line of the block it is 12½ feet, sensibly, or 12.46 feet above the District datum plane, and those distances are respectively, with reference to the grade of that alley, 10 feet below the curb at the southeast corner of the west half of the block, and 10½ feet below the curb elevation at the northeast corner of the block, and as the curb elevation is somewhat below—probably a foot below—the general surface of the block inside of the block, they agree very closely with the distances as given by the test pits sunk giving the original surface.

Q. From your experience as a civil engineer, having knowledge of matters connected with building, and from your late explorations and observation, what do you say as to the character of this half lot for building purposes as to its affording a proper foundation, and as to any danger that might arise in time of excessive high water from the flooding of a cellar of average depth?—A. I should say that the material upon which the foundation would rest is sufficient to hold the building you propose to erect, and that your cellar would not be in danger of flooding, provided it was not extended an unreasonable depth below the surface.

Q. What depth would you say was safe?—A. I should say the bottom of your cellar should not be below an elevation of 16 feet above the datum plane. It would then afford facility for the proper discharge to the drainage at all stages of water in the river, even if backed up by the river.

Q. What depth would that give your cellar below the surface?—A. Varying depths; at the northwest corner the cellar would be 9 feet below the curb, and at the southeast corner it would be only 4 feet below the surface of the curbing at the southeast corner. The grade or slope of the surface is from the northwest to the southeast by a fall of about 5 feet.

By Mr. HAWLEY:

Q. That would be 10 feet above high-water mark?—A. It would be 16 feet above high-water mark, or about 16 feet. Our datum plane is not exactly coincident with the actual condition. There was a mistake made in the early part of the century, which has been perpetuated.

Q. You said 10 feet above the datum?—A. I said that during the freshets the water has risen in the city to an elevation of about 11 feet; but if we are 16 feet above, we will still have a slope sufficient to drain properly, even at that stage of water.

By the CHAIRMAN:

Q. Can you let us have this map (plat D) or will you furnish us a copy of it?—A. I can let you have it if you will give it back to me.

Q. Will you furnish a copy of the map, to be attached to your testimony?—A. Yes, sir.

By Mr. GORMAN:

Q. You were asked the other day if you could not furnish from you office a reliable map, or an old map, showing the course of that creek Have you looked the matter up, to see whether you could?—A. That the only map I have found, and that is not the map referred to the othe day. The question, as I understood it the other day, was as to whethe there were any maps in existence upon which the project of the con struction of the North Capitol street sewer was predicated. This ma was made after the North Capitol street sewer was constructed, and fo a different purpose. I had forgotten all about this map until it wa brought to my attention, and then my recollection was refreshed, an I remembered it.

Q. So you have no map down there showing the line of this creek b fore the improvements were made?—A. Before the North Capitol stre sewer was constructed?

Q. Yes.—A. No, sir; I have never seen such a map.

Q. This map was made when?—A. About 1875 or 1876. I am no perfectly positive when it was made, as there is no date upon it; bu I remember of seeing it in the office about that length of time ago.

Q. Did not this map show the conditions as they then existed wi the fills already made, and merely show the general line of the cree without any reference to its original bed?—A. This map showed th creek as it existed at that time.

Q. And that was in 1875?—A. About 1875 or 1876. It might ha been 1877.

Q. Then this map does not show the original line of this creek?—A. It agrees with my recollection. I am familiar with the line of the cree from my own knowledge of that square, because as a boy I played bas ball there, and I remember the condition of things there quite well.

Q. I understand what your recollection is; but quite a number gentlemen have sworn to a different state of affairs there. Mr. Fitzge ald and others have testified that the creek came here [indicating making a part of the alley and the northeast corner of the square; tha it came in here, and ran out here with a bend, and back again acro the southeast corner. Now this map shows a different state of affair and, as I understand, it represents the conditions as they were in 187 and not originally.—A. It does not represent the original condition o things. As I said before, the bed of the stream, or rather the space th stream occupied during periods of high water, was much wider tha the space it occupied during low water. It was quite a low gully, an at different times the meanderings of the creek through the valley wer different; there is no question about that; and it is quite possible tha it may at some time have gone over that way, and probably did.

Q. This shows the conditions in 1875, in your judgment?—A. Ye sir.

Q. Were you in charge of the construction of the North Capitol Stre sewer between F and G streets?—A. At the time the North Capit Street sewer was constructed it was the practice of the office to have th assistant engineer go upon the work and simply give grades, and th work of inspecting was done by a different corps of men. The engine was not the inspector.

Q. In other words, I understand you to say that you had no immed ate charge of the construction of that sewer?—A. No, sir; I did not.

Q. Who had?—A. Captain Hoxie, at that time, was in charge of th work in the District.

Q. Can you furnish me from your office information as to what i

spector or engineer had actual charge of the inspection of that work at that time?—A. I can find out who was the inspector.

Q. Do it, if you can.—A. I will do so.

Q. It has been testified here that they found quicksand in excavating for that sewer, and you a moment ago said you did not think that was so. How could you make that statement if you had no immediate knowledge of the work?—A. I was on the line of that work a number of times to give the levels for the purpose of getting grades.

Q. But that had nothing to do with the construction. After the grades were established you would have nothing further to do with it, would you?—A. These grades were given during the course of the construction of the work, because the original grade points are often lost.

Q. Let me understand you, because what we want is the facts. Can you state, from your recollection and from your personal knowledge of that work, that there was no quicksand found during the construction of that sewer?—A. No, sir; I could not state that positively. I can only say that at no time during any visit I made was any quicksand found, and I saw no evidence of quicksand. That is all I can state on the subject.

Q. Can you give us the names of one or two persons who had charge of that work and who had personal knowledge of the condition of the soil in that excavation?—A. The inspectors are the ones who would know.

Q. Can you furnish us the names of the inspectors?—A. Yes, sir. The principal inspector on that work at that time was the general inspector, and he is dead. His name was Wallace. I do not know who the other inspector was.

Q. Is there not in the records of your office a memorandum of the inspector to which you can refer when you come to a difficulty of that kind?—A. Yes, sir. The inspector makes a weekly report.

Q. Would not that weekly report show the record?—A. Yes, sir.

Mr. GORMAN. Mr. Chairman, I would suggest that we ought to have that report. It is testimony at the time that can not be disputed.

By the CHAIRMAN:

Q. Can you furnish the committee a copy of that report?—A. Yes, sir.

The CHAIRMAN. I wish you would do it. We may have to take further testimony, and you can bring it with you; if not, you can transmit it to Major Michael, the clerk of the committee, together with a copy of this map.

TESTIMONY OF JAMES H. McDOWELL.

JAMES H. MCDOWELL sworn and examined.

By the CHAIRMAN:

Q. What is your residence, Mr. McDowell?—A. No. 523 North Capitol street.

Q. How long have you lived there?—A. About five years.

Q. How long have you lived in Washington?—A. About twenty-seven years.

Q. What is your business?—A. Grain dealer.

Q. Are you familiar with the west half of block 678, which is proposed as a site for the new Government Printing Office?—A. Yes, sir.

Q. What has been the extent of your familiarity with it? How long a time have you known it and how intimate has been your knowledge of its condition?—A. I played over it as a boy before it was filled in, and I played in the stream before anything was done to it.

Q. What do you say as to the place where that creek entered block 678 and where it made its exit, having reference to the alley that now runs through the block?—A. It ran right beyond the fence or very close to the fence. Of course it wound back and forth; but I do not think it entered the west half of the block until it got toward the southeast corner. That is my recollection.

Q. Do you know where the planing mill owned by Mr. Smith is located on the corner of the alley and G street?—A. Yes, sir.

Q. Where, with reference to that planing mill, did that creek cross the north end of the square?—A. I think the creek entered about half under the alley and half under the planing mill; that would be my judgment.

Q. Then its course was about where the alley is now situated?—A. Yes, sir; but beyond.

Q. Then you think it entered the west half of the block at the southeast corner?—A. I think so.

Q. What was the general character of the surface of the west half of block 678 before it was filled in?—A. Up toward North Capitol street, at the southwest corner, there was a kind of bluff 4 or 5 feet high. My impression is it was bluffy along North Capitol street and gradually receded toward the creek. Up toward G street it was bluffy all the way down pretty near to the planing mill, according to my recollection. I know we used to have to go down in a dip to get over the creek. There was considerable of a dip on G street.

Q. What can you say as to the surface of the west half of the block being boggy or swampy?—A. How do you mean; to what extent or where?

Q. Was it at all?—A. No, sir.

Q. Was it boggy or swampy before it was filled in?—A. No, sir.

Q. Have you seen at any time evidence of quicksand pits, or things of that kind there?—A. No, sir; I have never seen them.

Q. Do you remember the time this lot was filled in?—A. Yes, sir. It was filled in gradually.

Q. With what kind of material was it filled in?—A. All sorts of material; ashes and one thing and another.

Q. It was a general dumping ground?—A. Yes, sir; that is, the lower part, along toward the east line.

Q. The west part of it was cut off and turned into the lower part?—A. Yes, sir.

Q. Have you had any experience in the construction of buildings? Have you erected any buildings?—A. We have; not myself personally, but our firm. My father had charge of that.

Q. What is the name of your firm?—A. S. C. McDowell & Sons.

Q. You own the warehouse directly opposite this square?—A. Yes, sir.

Q. How far is the site of the McDowell grain warehouse from the bed of Tiber Creek?—A. We are in the bed of Tiber Creek; the east end of our building is right in the bed of the creek.

Q. What character of building is that?—A. A heavy storage warehouse.

Q. Is there any machinery in it?—A. Yes, sir.

Q. In operation?—A. Yes, sir.

Q. Have you a steam engine in operation?—A. Yes, sir; quite a heavy one.

Q. How long ago was that warehouse built?—A. In 1880.

Q. What has been the effect of the use of the building for storage purposes and the running of machinery upon the foundation?—A. It is all right, sir; no cracks have appeared in the building.

Q. What have you stored in that warehouse?—A. Grain. The heaviest material we are storing is the printing-office storage—volumes of speeches, which are very heavy, and the building is heavily loaded, too.

Q. What is the height of the building?—A. Three stories and a basement.

Q. Are all the floors filled with this heavy material?—A. Yes, sir.

Q. Does the building show any signs of settling?—A. No, sir. Cracks would be the signs we would look for.

Q. Do you recollect the character of the soil where the McDowell warehouse now stands before that section was filled in?—A. Yes, sir.

Q. From your knowledge of that locality and your observation of the west half of block 678, will you give your opinion as to the capability of the ground on the west half of block 678 affording a footing and foundation for a large building in which heavy machinery is to be used?—A. My opinion is that any place in town you would have to go down as deep for a good foundation as you would there. You could not get a better foundation in Washington than you can find in block 678.

Q. Have you any interest in this block, direct or indirect?—A. No, sir.

By Mr. GORMAN:

Q. When was the west half of this block filled up?—A. I could not tell you that. It was not filled quickly, but gradually.

Q. About how long ago was it that you first knew it?—A. We went there in 1880, and the lot was not yet filled up. It has been gradually filled, but I could not say when the filling was completed. I do not have any definite recollection as to that. I think it was straightened out and used probably between four and five years ago. It may have been six years ago; I am not clear on that point.

Q. What is your age?—A. I am thirty-seven years old.

Q. How long have you known this lot?—A. I have played there ever since I was in Washington. We have always been in that neighborhood.

Q. Are you a native of Washington?—A. No, sir; I was born in Delaware.

Q. What year did you take up your residence in Washington?—A. About 1862.

Q. Then your knowledge of this lot began in 1862?—A. Yes, sir.

Q. You say that the stream, as you remember it, did not touch this lot at all?—A. I said I did not think it touched the lot until it struck the southeast corner.

Q. How far from the corner of the alley on F street?—A. I think the plat that has been introduced shows it. I heard the testimony in connection with the plat, and that is about my idea.

Q. What was the distance given by the plat?—A. About 100 feet from F street.

Q. Did it run in a straight line towards G street?—A. No, sir; its course was zigzag, but in a general straight line.

Q. How about the northeast corner of the west half, did it tou at all?—A. No, sir; I do not think it did; that is my opinion o judge by where the stream came through G street. We owned of property at one time right there on the west side of the strea

Q. Was there any evidence of any filling there prior to 186: you first remember it?—A. I could not tell you about G street a

Q. I mean any portion of the lot or stream between F and G Had it not been filled up considerably prior to 1862, when you firs it?—A. I can not say, but I do not think it had; I think it v original rough ground.

Q. There had been no filling on the lot so far as you remembe No, sir.

Q. Tell me about your building which you say is on the bed creek. What sort of a foundation did you get; did you have piling?—A. No, sir.

Q. Did you use any timbers?—A. No, sir; we went down u struck gravel, and put in a concrete foundation.

Q. How far did you go below the surface?—A. I should jud deepest place was about 12 feet.

Q. Below the present surface?—A. Below the grade.

Q. Is your cellar 12 feet in depth?—A. About 12 feet. What our coal-bin is 2 feet lower. I have not measured it, and do no the exact depth.

Q. Are you ever troubled with water?—A. No, sir; we have had any water in the cellar.

TESTIMONY OF DANIEL J. READY.

DANIEL J. READY, sworn and examined.

By the CHAIRMAN:

Q. Where do you live?—A. I live at 1002 North Capitol stre

Q. What is your business?—A. I am at present engaged in t niture business. I am a carpenter and builder by trade.

Q. Where is 1002 North Capitol street?—A. It is situated betv and L streets; that is where I am at present residing.

Q. How long have you lived in Washington?—A. I have li Washington about thirty-two years; so I am informed by my

Q. You were born here?—A. No, sir; I was born in Philadel

Q. What is your age?—A. I am between thirty-five and thi years old.

Q. Are you familiar with the west half of block 678?—A. Yes was raised in that immediate neighborhood.

Q. How long have you known it?—A. I have known it to th of my recollection since 1861; that is as far back as I can go.

Q. Was that before it was filled?—A. Yes, sir.

Q. Will you state from your recollection where Tiber Creek e block 678 on the north line, and where it made its exit on the sou with reference to the west half of the block?—A. Tiber Creek, estimation, entered block 678 about 50 or 60 feet from the no corner, and ran along parallel with the square to the southeast of the square, and probably entered there about 50 feet from the that is, it cut diagonally across the southeast corner of block 67 50 feet.

Q. That is, the southeast corner of the west half of the bloc *Yes, sir.*

Q. And it entered at about what point, with reference to the present alley?—A. I think it entered there about 60 or 65 feet north of the southeast corner.

Q. That is, you mean it entered the west half of block 678 at that point?—A. Yes, sir; it started to cut the alley line about 60 feet north of the southeast corner.

Q. Where did it cross the north line of block 678 on G street, considering the block as a whole?—A. It never did enter it on G street.

Q. Did not the creek cross G street?—A. Yes, sir; but it did not enter on the east half of the block at that point. I think the creek flowed about 60 feet east of that square at that point; that is, taking the alley at the corner of G street where the creek originally entered through the east half of square 678.

Q. Where did it enter the block with reference to the present planing mill that is situated on the east half of block 678?—A. If my recollection serves me rightly I think that the bluff of the creek was very close to the west corner of that—you have reference now to the feed-store owned by McDowell?

Q. No; the planing mill owned by Mr. Smith.—A. I think the east bank of Tiber Creek entered but very slightly under that planing mill, if it entered at all. I tried to locate the creek the other day before I came here to give testimony. Taking it at the corner of G street and the alley, my recollection is that the bed of the creek was immediately under the chimney of the planing mill, and the chimney is located a little east of the corner of the planing mill, which is now located on G street.

Q. Then, if I understand your statement correctly, it is, so far as the west half of block 678 is concerned—the baseball ground so called—the only place that the creek crossed it was at the southeast corner, as you have described?—A. Yes, sir.

Q. State the character of the surface of this lot from North Capitol street down to the alley.—A. We still have in my father's yards the original grade that existed during 1860, before the filling was done; in other words, the yards have not been filled up, and we have the original grade of the surface as it existed at that time.

Q. Do you mean the grade scale?—A. No, sir; the original soil. We have not had any filling of those yards, and I must say it is very hard, good, and compact soil. It is still in existence. That is the original surface that existed at that time, and according to where we are located now—we are residing in block 679—that would be about 2 feet 6 inches, or probably 3 feet, above the bed of the creek as it existed before any building was erected or any sewers were constructed in that neighborhood to conduct the water off.

Q. What do you know as the surface of the west half of block 678 being boggy or swampy before it was filled?—A. There never was any such thing in existence. It was good, compact, hard soil. I lived there for twenty-eight years and remember it very well. I happened to have the honor of being raised on that creek, if you call it an honor. There were never any swamps there. It was always good, hard soil. I have crossed that creek often, probably a thousand times.

By Mr. GORMAN:

Q. You do not mean to say that of the entire property?—A. I do, so far as block 678 is concerned. There was a little marsh that existed in one block there—I could not tell the number of the block—but I will say on E street, between North Capitol street and First street; that is,

two squares south of the present square. There was a little creek there that was always filled with water; it was a little marshy; it was probably 300 feet south of this block. It was a low place where you could not get an exit for the water. We had no sewers in those days, and the water lay on the surface for the want of such exits.

By the CHAIRMAN:

Q. What experience have you had as a builder?—A. I entered that business in 1870, and I continued working at it until almost the present time. I was educated in that school.

Q. Have you had experience in the erection of large and heavy buildings?—A. Not large and heavy buildings; but I have had experience working on buildings, making maps, making bids for buildings, constructing buildings, and superintending their construction.

Q. What do you say concerning the capability of the west half of block 678 to maintain a large structure in which heavy machinery is to be used?—A. I have not examined the soil, but from my casual observation I will say it is good, and I will say that if I had the means and owned that ground I would erect a building just as large as the one the Government contemplates, and would do it, so far as the foundation is concerned, more cheerfully than I would take a drink of water.

TESTIMONY OF WILLIAM J. ACKER.

WILLIAM J. ACKER, sworn and examined.

By the CHAIRMAN:

Q. What is your age, place of residence, and business?—A. I am forty years old; I live at 501 New Jersey avenue, northwest, and I am engaged in the stone business.

Q. Are you familiar with the west half of block 678, what is known as the baseball ground?—A. Yes, sir.

Q. How long have you known it?—A. I have always lived in that part of the city, and know the general character and lay of the ground around there.

Q. Did you know it before the lot was filled?—A. Yes, sir.

Q. And before Tiber Creek was sewered?—A. Yes, sir.

Q. State, if you can remember, at what point on G street, being the north line of block 678, Tiber Creek entered that block, fixing it with reference to the planing mill that is located there.—A. I have not examined the dimensions of the planing mill, and have paid very little attention to this matter; but my recollection of the creek is that it crossed G street somewhere between 100 and 125 feet from the east line of that square. I presume that is First street running along there [indicating on Plat C].

Q. Where would that be with reference to the planing mill?—A. I would have to examine the map.

Q. The planing mill is here, as shown by this map (Plat C), this being North Capitol street; here is G street; here is Delaware avenue; the alley that runs through the block is shown by this line; the planing mill is described as being on the corner of the east half of the block, on G street and the alley.—A. Yes, sir; I think that is First street running down there [indicating], or Delaware avenue, working in together.

Q. Here is First street here, on the east side of the whole block.—A. *Yes, sir; this is G street [indicating.]*

Q. No, here is G street [indicating]. The Capitol would be here; there is the Government Printing Office, there is North Capitol street, here is G street, here is F street, here is Delaware avenue and here is First street.—A. This is the east side of Delaware avenue.

Q. Yes; that is to the east, just as it lies on the ground. This is north and that is east.—A. This is the square we are speaking about; Mr. Smith's mill is down there.

Q. No, Mr. Smith's planing mill is up here [indicating].—A. I will try to follow this out down to E street. Tiber Creek ran in about there [indicating]. My recollection is that it crossed that square about in there, it seems to me, about 100 feet, or maybe 150 feet, up in that corner; it crossed up in that direction and went across H street.

Q. You have shown a line running mainly across the east half of block 678. Do you mean to say that Tiber Creek did not run across the west half, except at the southeast corner?—A. That is my recollection.

Q. What is your recollection as to the character of the soil before the lot was filled?—A. It was all good soil. Those were commons there; I have played over them as a boy. It seems to be as firm as any other ground, except at the creek, and that was sand and gravel.

Q. State whether or not the west half of block 678 was boggy or swampy, or had quicksand pits upon it.—A. Not a particle, according to my recollection of it. Over in this direction [indicating] there was water standing.

Q. That is in block 677?—A. Yes, sir; yet that over in there between D and E streets was not bad soil, because I remember a well having been dug there about fifteen years ago, and sandy gravel was brought up out of that at a depth, I think, of not more than 13 feet.

Q. You say your business is that of a stone mason?—A. Not a stone mason; stone cutting and supplying buildings.

Q. You have familiarity, then, with the matter of the erection of buildings?—A. To a certain extent, of course. I think I know good, firm soil when I see it, although I am not in the excavating business.

Q. Have you made any special examination of the west half of this block?—A. I went over yesterday and looked into the pits that have been dug, and that confirms my impression of that place. I happened to mention to a gentleman the other day when the meeting was held here that I knew that ground was filled only 6 feet in some places and in other places less.

Q. From your recollection of the original condition of the ground and from your examination of these test pits that have been dug, what do you say as to this block affording a good footing and foundation for large buildings to be used for heavy machinery and storage purposes?—A. I think there is no doubt about the ground being suitable as compared with other ground used for similar purposes.

Q. Would it be necessary, in your opinion, to pile at any point?—A. No, sir; it is all solid ground after a certain depth. The soil in some of those pits is very solid at the depth of 6 or 8 feet. I think 8 feet would cover any depth, except in this pit here [indicating]; it was 10 feet there.

Q. That is in the southeast corner?—A. Yes, sir; that appeared to be not over 10 feet, and it was very good ground, consisting of rocks, gravel, and sand.

TESTIMONY OF EDWARD BALDWIN.

EDWARD BALDWIN, sworn and examined.

By the CHAIRMAN:

Q. What is your place of business?—A. No. 719 North Carolina av nue.

Q. How long have you lived in the city?—A. Since 1841.

Q. What is your business?—A. My present business is instructor i the manual training school of the District. I was a builder until 188

Q. Are you familiar with this locality?—A. Perfectly, sir.

Q. How long have you known the west half of block 678?—A. Almo ever since I have been in the city.

Q. Do you remember it distinctly before it was filled, as to its cond tion and the course of Tiber Creek through or near it?—A. I think s

Q. Will you kindly give to the committee your recollection of th character of the soil, and the course of Tiber Creek through tha block?—A. My recollection of the course of the creek through th block is that it struck a little south, or probably a little under th south part of Mr. Smith's present mill, crossing in the southeast corne of the west half of that square, running southwesterly probably 75 o 100 feet from the F street line.

Q. State as to the character of the surface.—A. I should say it wa solid soil; I do not remember any bad ground.

Q. Was it boggy or swampy land?—A. No, sir; along the creek the were bushes; I have been hunting along the creek many times, and was not boggy, I think.

Q. Have you made an examination of the test pits that have be dug there?—A. Yes, sir; I was there this morning.

Q. What is the general character of those pits?—A. The filling w uneven in a great many places. There was more or less filling, a then good, firm gravel was struck from 6 to 8 feet below the surface an average, I should judge.

Q. State whether or not these test pits were sufficient in numb size, and depth to give a careful man, proposing to build a heavy stru ure, a proper idea of the soil's capacity to furnish a footing and fou dation for a large building.—A. I should think they were sufficient.

Q. From your recollection of the ground as it originally existed, a from your examination of the test pits sunk there, what would you s as to the capacity of the west half of block 678 to sustain an exce tionally heavy structure, with heavy machinery, engines, etc.?—A. should say there would be no doubt about securing a proper foundatic there.

Q. Would it require any extraordinary or exceptional processes, suc as piling, etc.?—A. No, sir; I should say not.

By Mr. GORMAN:

Q. You say you examined these pits this morning?—A. Yes, sir.

Q. You are a builder, and therefore, I take it, an expert?—A. I hav had practical experience; yes, sir.

Q. Let us see how much experience you have had as a builder in co structing foundations. How long were you engaged in that business?- A. I began the trade with my father about 1845, when I was a boy, a most, and have been at it ever since, until 1882, building a great mar houses in the city.

Q. What large structures have you superintended the foundatic

for—any large building where heavy machinery is required?—A. I can not say that I have superintended the construction of any very large building. I have built some stores on the Avenue, some private dwellings in the vicinity of the City Hall, and I superintended the construction of some of the school buildings in Washington.

Q. Did you look at these pits this morning?—A. Yes, sir.

Q. How many were there?—A. Eight, I think.

Q. And you say you found solid ground at an average depth of from 6 to 8 feet?—A. I found gravel, yes, sir. It seemed to be a very good gravel.

Q. Are you not mistaken about those depths? It has been testified here that some of those pits were from 6 to 12 feet deep.—A. There was one there that was 9 feet 8 inches in depth; I think that was the deepest one, and there were some 6 feet deep, and some 6 feet 6 inches.

Q. I think Mr. Entwistle has testified there was one 12 feet 6 inches in depth.—A. There was one that I did not examine.

Q. Can you give me an account of those pits that you did examine? Here is a little plat showing the square and the location of the pits upon it. Will you show me where they were located, indicating them upon this plat (Diagram A)?—A. I examined this one in the northwest corner. The whole depth at that northwest corner was 11 feet.

Q. That is 6 feet 6 inches, according to this plat.

Mr. SMITH. Mr. Chairman, will you let me make a statement? It will facilitate this examination.

The CHAIRMAN. Certainly.

Mr. SMITH. The other day you requested us to sink additional test pits, and we have done so. We tried to sink them deep enough to find a solid foundation.

The CHAIRMAN. You mean pits additional to those shown on this plat?

Mr. SMITH. We have sunk them down to where we found a solid foundation.

The WITNESS. It was 11 feet to solid gravel on the northwest corner.

By Mr. GORMAN:

Q. Now take the next pit.—A. On the west side——

Mr. SMITH (interposing). That is a new pit.

By Mr. GORMAN:

Q. That is toward the alley?—A. No, sir; that is toward North Capitol street.

Q. Describe where that is.—A. The gravel there is——

Q. (Interposing.) Where is that?—A. It is in the center of the block north and south, and nearly in the center from east to west, probably a little to the west.

Q. What did you find there?—A. I found gravel at a depth of 9 feet 6 inches.

Q. There was another pit in the center?—A. There was one to the east of that.

Q. How far east of it?—A. About 90 or 100 feet from the east fence.

Q. Did you examine that?—A. Yes, sir.

Q. How deep was that?—A. The gravel was 9 feet below the surface.

Q. Where was the next pit you examined?—A. In the southwest corner.

Q. What did you find there?—A. We found gravel at 9 feet, 6 inches, which was pretty much the same soil that we struck in the other.

Q. Go on.—A. In the *southeast corner* there are two pits.

By the CHAIRMAN:

Q. What was the depth of those pits?—A. The depth of one was 13 feet.

By Mr. GORMAN:

Q. Was that the one nearest to the corner?—A. The one nearest to the east fence, yes, sir.

Q. How far from the fence?—A. About 50 feet, I should judge.

Q. And the depth of that was 13 feet?—A. Yes, sir.

Q. What did you find there?—A. There was gravel at that depth, and there was considerable filling on top of the gravel.

Q. How much filling did you find in that pit?—A. There was 9 feet 8 inches of filling.

Q. What was the location of the other pit in the corner?—A. The next one was about 100 feet from the corner.

Q. From the southeast corner?—A. Yes, sir. There the gravel was found at a depth of about 7 feet 8 inches below the surface, and there were 5 to 6 feet of filling. Those are all the examinations I made.

Q. What is the size of these pits?—A. They were different sizes; an average, I suppose, of 7 or 8 feet square probably.

Q. They were large enough to permit you to go down in them and examine the soil?—A. I did not go down myself. I stood on the bank and had the soil brought up on a shovel, and I saw the measurements.

Q. From your examination of the soil of this square, would you say that its character was such that you, as a builder, would without hesitation place a heavy building on it?—A. I would.

Q. You saw no indication of a marsh at all?—A. I did not see any, and do not remember when I was a boy of seeing it at all marshy there.

Q. Do you mean to say that there was no marsh along that creek in the early days prior to 1850?—A. There was running water in the creek all the time, and there were ponds occasionally, I think, southwest of there; but I would not call it marshy land at all. The stream ran over clay soil, which kept the water from percolating through and forming a marsh.

Q. Do you remember when it was known as "Swampoodle"?—A. My idea of "Swampoodle" is that it was a little north and west of that.

By the CHAIRMAN:

Q. Did the term "Swampoodle" have reference to the character of the soil or the character of the people?—A. I do not know where it took its name. I know when my brother built a house at the corner of Third and E streets, they laughed at him and said he was building in Swampoodle.

By Mr. GORMAN:

Q. Do you not recall the fact that it was swampy from Indiana avenue up to New Jersey avenue, from 1850 to 1856?—A. I should not call that swampy land, Senator.

Q. Did you ever go over it?—A. Yes, sir; many times. I lived on Indiana avenue, and D and Third streets along about 1855.

Q. And you say it was not swampy?—A. I should say not, sir. I should not call it swampy land. As I said before there were bushes and undergrowth along the edges of the creek; but I should not call it swampy land.

TESTIMONY OF JOHN J. HURLEY.

JOHN J. HURLEY, sworn and examined.

By the CHAIRMAN:

Q. What is your age, place of residence, and business?—A. I am about forty-two years of age; I live at No. 12 Massachusetts avenue, northeast, and am a clerk by occupation.

Q. Are you familiar with block 678, what is now known as the baseball ground?—A. Yes, sir; I have known that ground since I was a boy. I played on the ground; I played baseball there. I am living now on square 679, which is just adjoining. During the war, when the Government warehouse stood on the east part of that square, that was nearly on the surface, as it is now, with the exception of about 6 feet of filling. I judge that from my knowledge of the filling on my own lot. I live, as I say, on square 679, and about four years ago I removed the house that was on the site and dug down in order to get a solid foundation. I dug down 1 foot below the surface of the foundation of the old building and erected a solid, substantial foundation on that.

Q. That was in block 679?—A. Yes, sir; and the surface of 679 was the same as the surface of 678; it was all one level.

Q. State whether the west half of block 678, what is now known as the baseball ground, was ever at any time within your recollection boggy or swampy.—A. It was not swampy. There was a stream or gutter made by the water working through the surface that went across diagonally nearly to block 679.

Q. And emptying into Tiber Creek?—A. It emptied into a roadway. The Government had dug a road through, along F street, in order to let wagons across the creek, over to the Government warehouse, and this seemed to work its way into that road, and the surface had worn so that it made a gutter along the side of the wagon road.

Q. Was that a living stream, or was there water in it only in the time of rains?—A. Only in time of rains. I do not remember of seeing water standing there at all.

Q. State where Tiber Creek entered the lot on G street and where it made its exit on F street, with reference to the present alley that runs through the block. A. My recollection is that about midway of the baseball ground it struck in and ran perhaps a distance of 50 or 60 feet to F street.

Q. That is, it struck in on the east line of the west half of the square?—A. Yes, sir; struck in on the east line and ran to F street, about 50 or 60 feet, and my recollection is that the creek ran down the street—that the street occupies about the bed of the creek. It seems to me that the corner of Mr. Smith's mill stands in the bed of the creek; that is my recollection. There are four houses erected just in front of Mr. Smith's mill, and the rear end of those houses extended out into the creek, and taking my bearings from that point, it seems to me that nearly half of Mr. Smith's mill would be in the bed of the creek proper.

Q. You can not say that Tiber Creek ran over any part of the west half of block 678, except at the southeast corner?—A. Except at that corner, at F street. There is a landmark right at the corner of 679. Block 679 runs out here, right at the point where Kirlin has a lime house. I recollect my mother used to walk down to that point with me

and I recollect, on account of the fence being erected here, that the bed of the creek was right there and went across.

Q. Have you had any such experience in building as to warrant you in giving the committee an opinion as to the capacity of this lot to furnish a good foundation for a heavy building?—A. If I owned that ground and wanted to construct a building, I do not think I would hesitate for a moment to go down to a depth of 6 feet and build. I am sure I would get a good, substantial foundation. I am basing that statement upon the character of the soil where I am located myself, adjoining. I have erected a house there which was finished last October, and we only went to a depth of 2½ feet, and then put in a concrete foundation. That is a heavy brick house, and there is no sign of any break in the walls, nor any indication of their settling.

Q. Have you any interest of any sort in this lot?—A. None in the world. I have known it, as I say; I have played ball there on both sides of the creek. On the side where the Government warehouse stood, on the opposite side from the west half of this square, a man by the name of Fitzgerald used to gather sand in that creek and pile it up on the bank. That was a good, solid surface, and, as I say, my recollection is that there is nothing there but this little drain that was worn there by the water coursing over it, but I never knew of any water settling there.

By Mr. GORMAN:

Q. You say you reside in square 679?—A. Yes, sir.

Q. Do you own property there?—A. I own two lots there. My father owned it in 1862.

Q. So you are interested in property in this immediate vicinity?—A. Yes, sir; I own property there. I do not know whether it would be an acquisition to me to have a Government Printing Office there, because I know that many who reside in its vicinity now do not regard it very favorably. You have to keep your blinds drawn to prevent people from gaping and looking into your house; so I do not think it would be an acquisition to have a Government Printing Office there; but I would not do anything to oppose it. I am not favorable to it, nor do I have any objection to it. I have no further interest in the matter than to state the facts as I know them, and my statements are the truth. In 1855 I came to Washington, and in 1858 I moved into the vicinity of this square, and with short intervals, I have been a resident there ever since.

Q. What is your business?—A. I am a clerk at Galt & Co.'s flou and feed establishment.

Q. You are not a builder, then?—A. No, I am no builder; but from the surface, as I recollect it from a boy, I do not think I would hesitate a moment to build on that ground, because my recollection is there is nothing but a gravel hill there. The road the Government cut through was a hard road, and the surface, which was of gravel, did not seem to wear away with the heavy travel of the quartermaster's wagons that carried all the material from the warehouse during the war. That was a heavy, solid bank.

Q. You spoke of Dennis Fitzgerald, who used to dig sand there?—A. He did not dig sand. There was a bank of it. I know that sand was being dug from a bank, but that was not on the surface. There was a bluff that extended some 20 feet down on the west half, and the sand was dug from that at the north end; but this other surface was *never* broken. G street was graded through, and in building the road

it raised the grade about 4 feet. Sand was dug from this bank up here. [Indicating on Diagram A.]

Q. Mr. Fitzgerald, according to your recollection, was engaged in that business?—A. Yes, sir; but I think the sand he gathered was from the creek. The creek would overflow and bring sand down, and he got that surplus sand that collected there.

Q. You remember of his being engaged in that business?—A. Yes, sir; this sand that I have spoken of that was piled up on the bank was gathered by him. He would gather it from the recesses in the bed of the creek and pile it up on the bank. After a rain it would seem that sand would gather there.

Q. So you remember that he was personally engaged in that work?—A. Yes, sir; he was engaged in gathering sand, but he made no excavations. It was sand that was carried there and secreted in those burrows that were made.

Q. If it should turn out that Mr. Fitzgerald, who had personal knowledge of the work on this property, should differ very radically with you as to the condition of the creek, would that tend to make you modify your recollection?—A. My recollection is clear as to that, because I have skated on the ice there, and I have been in the neighborhood almost continually since 1858. In front of where I live now was a common, and we used to play foot-ball—what was called then "bandy"—and all such games as that. The Baltimore and Ohio Railroad then stood about 6 feet above the original surface of the square, and I do not think it has been raised any since then. That is my recollection of the depth, and having had my soil dug to a depth of 6 feet and obtaining a solid foundation, I feel confident that what I say is really the truth in regard to the matter.

Q. According to your best recollection?—A. Yes, sir. The surface on both sides of the creek, on what you term now the east half and the west half, was on a level, with the exception of the brink of the creek, and the grade was about the same as the grade of square 679.

TESTIMONY OF JAMES L. PARSONS—Recalled.

JAMES L. PARSONS, recalled and examined.

By the CHAIRMAN:

Q. Have you, since you testified before, examined the test pits upon the west half of block 678? If so, say when, and give a general description of them and what they show?—A. I examined those test pits this morning at the request of Mr. Smith. In the one in the center of the lot, at the depth of 9 feet 6 inches, we found gravel, with indications of a fill of 7 feet 6 inches.

By Mr. GORMAN:

Q. That is the same pit you described when you were on the stand before.—A. I did not describe those pits when I testified before; I had not seen them.

By the CHAIRMAN:

Q. Is it the same pit that was described the other day?—A. It is the only one in the center.

Q. And you say the filling there is 7 feet 6 inches?—A. Yes, sir; we found gravel at a depth of 9 feet 6 inches from the present surface of that square. In the northwest corner of that square, 25 feet from

North Capitol street and about 30 feet from G street, we found hard clay at an average depth of 10 feet.

Q. Which corner is that?—A. The northwest corner. I do not know the fill there; but I think there was a very slight fill there. This clay was underneath the loamy sand. On the southwest corner we found gravel at a depth of 9 feet 6 inches, with indications of a fill of 5 feet 6 inches above the original surface of the lot. That pit was about 25 feet from the line of Massachusetts avenue and about 60 feet from North Capitol street. Above the gravel in this pit up to the fill is a loamy sand. On the southeast corner we found gravel at a depth of 7 feet 8 inches, with indications of a fill of 5 feet 6 inches. That pit was about 100 feet from F street and 100 feet from the alley. In the center of the square, between F and G streets, 91 feet west of the alley, we found gravel at a depth of 9 feet, with indications of a fill of 7 feet. That pit was about 91 feet from the east line. In the northeast corner was the deepest pit that I saw. In that pit, at a depth of 11 feet, we found gravel, with indications of a fill of 10 feet. That is 100 feet from the alley, and about 60 feet from G street. Then there is a second hole in the southeast corner, near this first one that I mentioned here [indicating on Diagram A].

Q. How far from F street is that?—A. I think that is about 125 feet north of F street, and about 50 feet or something like that west of the alley. There we found gravel at a depth of 9 feet 8 inches, and it appeared to be filled to about that depth. The appearances there were that that was the bed of the creek. That shows a fill down to where the gravel was found.

Q. Is that the same hole that was described the last time you were here?—A. I do not know.

Mr. GORMAN (to Mr. Smith). Is that the same hole, Mr. Smith?

Mr. SMITH. Yes, sir. We dug through the gravel. The testimony of the various witnesses the other day was that the pit was sunk to the first indication of gravel; but we went down farther, so as to show to the gentlemen who came as experts that the gravel there found was the original gravel. The depth Mr. Entwistle gave you the other day was 12 feet. His measurement was to the gravel.

By the CHAIRMAN:

Q. How many test pits did you examine?—A. I think seven.

Q. And in every instance you have gone through the surface soil down to the gravel?—A. Yes, sir.

Q. In your experience as a builder and superintendent of construction, can you state what is generally found under this layer of gravel in that vicinity?—A. I suppose you would find clay underneath that. We find gravel all around in this vicinity above clay.

Q. Is there any evidence of quicksand beds in those pits?—A. Not the slightest in any of those pits, so far as I could determine.

Q. Would you expect to find quicksand under that soil at a reasonable depth, from your knowledge of that locality?—A. No, sir; I would not.

Q. What do you say now, from this further examination that you have made, as to the capacity of this lot to give footing and foundation for an exceptionally heavy building?—A. I believe that foundation there is as solid as any you will find anywhere in Washington. We do not find solid rock here anyway. I believe it is just as good soil for foundation purposes as you will find up on the Hill. It is the same *kind* of deposit that you find higher up on the Hill and with a concrete

footing of sufficient dimensions, such as is ordinarily used in the construction of buildings, there is no doubt about getting a good foundation here.

Q. How deep would you have to go, in your opinion, below the present grade line or curb line of the street to get a footing that would be sufficient as a foundation for a building such as we have described?—A. You would have to go about 5 or 6 feet to find this gravel. If I were constructing a building of that character, I should go at least 4 or 5 feet below the cellar bottom with my trenches, and I would make them at least 3 feet wider on each side than the thickness of the walls, and fill them with concrete.

By Mr. GORMAN:

Q. That would make the entire depth how much?—A. That would be about 10 feet from the street line to the bottom of your trenches. The excavations should be made at least 4 feet below the bottom of your cellar, may be more; it depends upon the character of the machinery that would be used in the building. But you will not find any better foundation anywhere, in my opinion, than can be found on this block.

Q. I would like to get this right, for we want the facts. I understand you to say that, in your examination this morning of the shaft that was sunk in the southeast corner of this lot, you found the original ground at a depth of 9 feet?—A. In the southeast corner?

Q. That is the hole that was nearest to the corner of F street and the alley.—A. That was the second hole.

Q. What did you find there?—A. At a depth of 9 feet 8 inches we found gravel.

Q. What you mean by "gravel" is the original earth?—A. It is the washed surface of the bed of that creek.

Q. You did not go down, then, to the bottom of the creek?—A. We went down to what was the bottom at the time this filling was done; but that, of course——

Q. (Interposing.) You would not rest on that as a builder?—A. I should go below that at least 4 feet. This is an average I am speaking of.

Q. In speaking about this upper shaft, Mr. Smith, as I understood it a moment ago, said that he went down in that examination below the original earth, and you are dealing with it now to the point where you strike the natural earth?—A. Yes, sir; I should go below that with the bottom of my trenches not less than 4 feet.

Q. Then you would go down about 13 feet?—A. Yes, sir; I would go that far below the present surface at that point. You can build upon made earth if you have sufficient ground above that to resist the pressure of displacement underneath your foundation.

Q. I want to get this straight. Mr. Entwistle made this certificate, and I want you to follow me as I read it:

This is to certify that we have examined the character of the earth in the various shafts sunk in the west half of original square 678, and find the original earth at the following depths: northeast corner, 12 feet 6 inches.

Q. What have you got it?—A. We found the original clay at a depth of 10 feet, for I measured it with a tape line this morning.

Q. On the northwest corner he says he found it at a depth of 6 feet 6 inches.—A. At the northwest corner I have it 10 feet to clay.

Q. That you consider the original earth?—A. Yes. sir; it is underneath a layer of loamy sand.

Q. At the southeast corner Mr. Entwistle's statement makes it 12

feet.—A. We found gravel there at a depth of 7 feet 8 inches. It has every indication that it was deposited there by the action of the water.

Q. At the southwest corner Mr. Entwistle says he found the original earth at a depth of 4 feet.—A. At the southwest corner my memorandum shows that the gravel was struck at a depth of 9 feet 6 inches, with indications of a fill of 5 feet 6 inches above the original surface.

Q. Is that the same hole that was described by Mr. Entwistle?—A. I do not know.

Q. Is there any other hole on that corner?—A. I do not know. The first time I ever saw those holes was this morning.

Q. There was no other hole there when you examined this one?—A. No, sir; there were no indications of a hole having been dug except this one.

Q. In the center of the lot Mr. Entwistle puts the depth at 6 feet 6 inches.—A. I found gravel at 9 feet 6 inches.

Q. Do you consider that original earth?—A. Yes, sir; the original washed gravel.

Q. Is that the same hole in the center that was described by Mr. Entwistle?—A. It is the only one I saw. It is nearly in the center; of course I did not measure it as to its location.

Q. Mr. Entwistle describes a shaft 50 feet southwest of the northeast corner. That is up on G street, near Mr. Smith's mill, I take it. Mr. Entwistle finds the original earth there at a depth of 12 feet. What does your memorandum show?—A. Eleven feet, with indications of a fill of about 10 feet.

Q. In the northeast corner what did you find the character of the earth to be?—A. Gravel and sand.

Q. Was it natural gravel or had it been washed in?—A. It was a natural deposit of gravel. It has no indication of having been filled in.

Q. The hole is deeper than the point at which you found the gravel, I take it?—A. Not much.

Q. How much?—A. I do not know that the hole is any deeper; but it may be 6 inches deeper than the top of the gravel.

Q. Mr. Entwistle made an examination a foot below.—A. I do not know what Mr. Entwistle did. I had a man holding a tape line this morning, and if his tape line was correct, and I presume it was, then my figures are correct.

Q. What did you find in the southwest corner, where you went down 6 or 8 feet? That is on the corner of North Capitol and F street. What was the character of the soil there?—A. White sand and gravel.

Q. How deep was that?—A. We found gravel at 9 feet 6 inches at the southwest corner.

Q. In that corner Mr. Entwistle found the natural ground, which was loamy sand, at a depth of 4 feet?—A. I have it 5 feet 6 inches. It may be a little above that. There is some variation in the depth of the soil there.

Mr. GORMAN. There is a radical difference between the two examinations, Mr. Chairman.

Mr. SMITH. I will explain the differences, if you will allow me.

Mr. THOMAS. I would like to submit a letter from Bernard R. Green, the superintendent of construction of the Congressional Library Building, who has made an examination of this square and made a diagram.

The CHAIRMAN. We had better have him here as a witness.

Adjourned to meet at 10 o'clock a. m., Tuesday, January 13, 1891.

WASHINGTON, D. C., *January* 13, 1891.

Committee met pursuant to adjournment.

Present: Mr. Manderson (chairman); also the Public Printer, Samuel Shellabarger, esq., S. T. Thomas, esq., J. H. Sypher, esq., Edgar Allan, esq., Mr. George N. Proper, Mr. Thomas W. Smith, and others.

The CHAIRMAN. I have been authorized by Senators Hawley and Gorman to proceed with the taking of testimony, which I will do. Is there any one here representing, as attorney, the interests of those who own or represent block 678?

Mr. THOMAS. I represent the encumbrancer, Thomas W. Smith.

The CHAIRMAN. As his attorney?

Mr. THOMAS. Yes, sir.

The CHAIRMAN. Is there any one here representing, as attorney, interests adverse to block 678?

Mr. SYPHER. I represent some of the owners of the square on which the present Government Printing Office is situated.

The CHAIRMAN. I desire to say to the gentlemen representing this proposed site, recommended by the commission, and to those representing adverse interests, that we can hardly stand a stream of witnesses that shall run into a flood. What we want to do, if possible, is to confine this examination within reasonable limits as to the number of witnesses, and I suggest that we should take the testimony of, perhaps, six or eight witnesses on each side, limiting the number to that.

Mr. THOMAS. We shall not exceed that number, certainly.

The CHAIRMAN. And of course it is important that these witnesses should be men who are experts in matters of this sort. The guess of a nonexpert is valueless to the committee, while the opinion of an expert is of value, and I hope that fact will be borne in mind by those who represent these adverse interests. What witnesses are ready for examination?

Mr. THOMAS. We desire to have Mr. Bernard R. Green examined. I also desire to submit the private agreements between Mr. C. A. Snow and Mr. Thomas W. Smith, which were called for by the committee the other day. These are the originals, from which the committee can make copies.

The CHAIRMAN. These are the agreements as to the one-fourth interest in this property, referred to by Mr. Smith in his testimony?

Mr. THOMAS. Yes, sir.

The CHAIRMAN. They will be copied by the stenographer, made a part of the testimony of Mr. Smith, and the originals returned to you.

The agreements are as follows:

Articles of agreement, in duplicate, made and entered into this sixth day of September, A. D. 1889, by and between Chester A. Snow, of the first part, and Thomas W. Smith, of the second part, all of the District of Columbia:

Witnesseth: First. Said Chester A. Snow is the record owner of original lots three, four, five, six, seven, and eight in square six hundred and seventy-eight, Washington, D. C. The purchase money for said lots was eighty-five thousand three hundred and twenty-four dollars, of which amount said Snow paid out of his own funds the sum of ten thousand dollars cash, and for the balance he gave three notes each for twenty-five thousand one hundred and eight dollars, made by John O. Cole to his order and by him and James H. Marr indorsed, secured by deed of trust on said lots, and delivered to said Smith. In addition, said Snow paid out of his own funds the sum of twelve thousand dollars in cash to the Washington National Baseball Club as consideration for the assignment to him by the club of the lease of said property and privilege of purchase held by said club, making the total cost of said property ninety-seven thousand three hundred and twenty-four dollars.

Second. If all of said property has not been sold as an entirety within nine months

from this date said Smith shall have the right to purchase within three months thereafter the east 61 feet 5 inches front on G street by the width, 150 feet, of said lot 8, together with the east 61 feet 5 inches by the width, 90 feet, of said lot 6, in said square 678, at and for the price of eighty-five cents per square foot. But if said property has been theretofore subdivided, and an alley or alleys passing through any part of said lots 8 and 6 shall be created by said subdivision, said Smith shall keep the same open and unobstructed, in all respects, provided that the total amount of ground to be dedicated by said Smith for alley or alleys shall not exceed six hundred and fifteen square feet.

Third. Said Smith shall have and receive one-fourth of the net profits arising from the sale of all of said lots 3, 4, 5, 6, 7, and 8, and said profits shall be arrived at after deducting the cost of said ground, interest thereon, cost of said assignment, interest thereon, and taxes and interest thereon, and any expenses of sale, such as commissions, advertising, and costs of subdivision, and any other expenses necessarily incurred in the care and management of said property. Whenever and as often as sales of said property aggregating thirty thousand dollars shall be made said Smith shall be entitled to a division of said profits according to the plan hereinbefore set forth.

Fourth. If said lots shall be sold as a whole they shall not be disposed of for less than eighty-five cents per square foot, unless by mutual agreement of the parties hereto, and if subdivided said property shall not be sold for less than one dollar per square foot, unless by mutual agreement of the parties hereto.

In testimony whereof the said parties have hereunto set their hands and seals the day and year above written.

CHESTER A. SNOW. [SEAL.]
THOMAS W. SMITH. [SEAL.]

In the presence of—
S. T. THOMAS.
IRVING WILLIAMSON.

Witness:
MARTIN WIEGAND.

The option given to Thomas W. Smith, as written in the second paragraph of this agreement, is extended until October 6, 1890.

CHESTER A. SNOW.

AUGUST 19, 1890.

WASHINGTON, D. C., *September* 16, 1890.

This agreement between Chester A. Snow and Thomas W. Smith, witnesseth:

Whereas the said Chester A. Snow, on the 6th day of September, 1889, by written agreement of that date, gave the said Thomas W. Smith an option to purchase the east sixty-one feet and five inches front by the depth thereof of lots six and eight in square six hundred and seventy-eight (678), in Washington, D. C., as described in said agreement, reference to which is here made, at the price of eighty-five (85) cents per square foot, upon condition that lots 3 to 8, in square 678, were not sold as an entirety within nine months from said date, said option expiring September 6, 1890.

Whereas said option has been extended to October 6, 1890; and

Whereas the said Smith, desiring to avail himself of said option, has this 16th day of September, 1890, tendered to me the sum of $12,590, being the price of said ground at 85 cents, whereupon it was agreed that he should be considered as having a deed for said ground, and that I will account to him in the proceeds of any sale I may make of said ground as though he had a deed therefor agreeably to said option, in such accounting deducting and retaining the said purchase money of $12,590, less a proportionate share of the purchase-money trust, which proportionate share is to be credited on the notes secured by said deed of trust. This agreement to hold good until the proposed sale of the north half of said square to the United States shall be consummated, and in case such sale does not take place, then the said Snow agrees to convey all his title and estate in and to said parts of lots six and eight to the said Thomas W. Smith, upon payment to him by said Smith of said sum of $12,590, less a proportionate share of the incumbrance on the north half of the square, which said proportionate share is to be credited on the purchase-money notes secured by deed of trust on said lots 3 to 8.

In witness whereof I hereunto set my hand and seal.

CHESTER A. SNOW. [SEAL.]

Witness:
JAS. A. MALLINSON.

TESTIMONY OF BERNARD R. GREEN.

BERNARD R. GREEN, sworn and examined.

By the CHAIRMAN:

Q. Please state your age, place of residence, and occupation.—A. I am forty-seven years of age, my residence is Washington, and I am chiefly engaged as superintending engineer of the Congressional Library Building, being a civil engineer by profession.

Q. You are familiar, then, with the construction of large buildings containing weighty material, such as machinery, etc., and heavy structures for the storage of weighty material?—A. Yes, sir.

Q. How long an experience have you had in matters of that character?—A. I have all my life been engaged in that character of work and that class of construction.

Q. How long have you been familiar with the conditions as to building in the city of Washington?—A. I may say ever since I came here, nearly fourteen years ago.

Q. Are you familiar, either by long knowledge or by later examinations, with the condition of the soil of the west half of lot 678, particularly with reference to its capacity for giving footing and foundation for an exceptionally heavy structure?—A. I have had only general knowledge of the locality and its previous topography until within two or three days, when I was asked to make an examination of some test pits that had been sunk on the lot in question, with a view to getting an idea of the condition of the strata there, and its capability of supporting the foundations of a heavy building.

Q. Please give a general description of these test pits, as to their width, length, and general depth.—A. I have here a diagram of the square [See Plat E., Appendix], which is on a scale that has not been noted, but which, although I have not verified it as to dimensions, I have no doubt is correct. The surface of the ground within that inclosure, which is practically unobstructed, is nearly level, sloping, perhaps, as judged by the eye, diagonally from the northwest to the southwest corner about 3 feet—possibly 4 feet, going to the extreme corner. Levels, however, would be necessary to determine this accurately. Taking that surface of the ground as a datum for determining depths, there is located in the northwest corner, within 20 feet of the two sides of the lot, a test pit, which is about 3½ feet in diameter. This is a circular pit, which has been sunk to a depth of 11½ feet, reaching at that point a bed of clear gravel. At a depth of about 6 feet 6 inches from the surface appears the bottom of what has been an artificial filling over the original natural strata. Between that 6½ feet and the 11½ feet depth, are sand and sandy clay, such material as is usual throughout strata in the city of Washington.

There is located near the center of the square, that is to say, somewhat north of the center, another pit, the total depth of which is about 10 or 11 feet, at which point, at a depth of 10 feet, the same bed of gravel appears, apparently, as that found in the first pit named. Then at a depth of 6½ feet, about the same as in the first pit mentioned, the bottom of an artificial fill appears. The strata otherwise seem to be about the same as those in the first pit. This bed of gravel, wherever it is found, I may say, is pretty much all of one character, and is a very clear, pure gravel, hard and strong. This second pit is an elongated one, north and south, probably 3 feet wide and, perhaps, 8 feet long.

There is a third pit about half way between the one last mentioned and the east side of the lot, which is very much the same shape as the other, elongated north and south. In this pit, at a depth of 9 feet, the same bed of gravel is found, and at a depth of about 7 feet the filling of artificial material appears.

A fourth pit has been sunk near the southeast corner, about 100 feet from the two sides of the lot—100 feet each way. That is also an elongated pit, north and south, and in that, at a depth of about 8 feet, the gravel appears, and at a depth of 5 feet 6 inches is the bottom of the artificial filling. That pit, however, is some 2 feet deeper than the top of the gravel bed, making a total depth of somewhere about 10 feet. A fifth pit also exists nearly half way, say 40 feet, from the fourth pit to the east side of the lot, making it about 60 feet from the east side of the lot, which pit is about the same depth as the last one named. In this pit it appears that the gravel is about 10 feet from the surface, and the artificial filling 9 feet. A sixth pit is located within 20 feet of the sides of the southwest corner of the lot. It is about 9½ feet in depth where the gravel is found, and about 4 feet to the bottom of the artificial filling. That is a circular pit, about 3 or 4 feet in diameter.

These pits indicate that a bed of gravel exists under the whole lot, a nearly level bed of gravel, except in the southeast corner, where it is probable that it slopes off somewhat more steeply towards the extreme corner, and it may be deeper there. It is apparent, as stated by people who are familiar with the old topography of the ground, that the old Tiber Creek ran in such a direction that it crossed near that, crossing the extreme southeast corner of this ground, and that is where we would naturally find a greater depression in these strata. The filling, therefore, as appears by the test pits, to bring the soil up to a natural surface, would be deeper at the southeast corner than at the southwest corner. This bed of gravel, as I have stated, is a very excellent material to underlie the ground where it is proposed to build a foundation of any building.

Q. Does this gravel seem to be a deposit made by the washing of a former stream, or is it the natural deposit of gravel that you find as one of the strata of the earth throughout this city?—A. It seems to be very much like the gravel strata that we find in other parts of the city. A very similar stratum was found in excavating for the Congressional library building over here on the hill.

Q. Did you see any evidences of quicksand beds or pits in any part of this lot?—A. No, sir; I did not.

Q. Is it your opinion, as an expert, that they exist?—A. It may be that a stratum of quicksand could be found by boring deep enough into the ground near the southeast corner, where the bed of this stream was; but I have no idea that it can be of any great thickness, and it is very likely to be so far down below the other strata as to be of no importance in weakening the ground as a support for foundations.

Q. What would be the average depth necessary to sink for a foundation upon that lot for a heavy building?—A. I think the average depth would not be over 8 feet. You should remember, however, that the building would necessarily have to stand level. If the lot slopes as much as 3 or 4 feet from the highest point to the lowest (and the levels of the lot would tell whether it does or not), that would slightly affect the general average depth to which you would have to go. That is, for the bottom of the foundation for a building standing above ground. In such buildings it is usual to put cellars and basements in for the accommodation of machinery and for drainage. The cellars are low enough,

I understand, to carry the water off at that depth. The putting in of a cellar would require the foundations to be at a greater depth, and that would bring them on a better stratum to support them.

Q. Is it your opinion, 8 feet being, perhaps, the average depth which it is necessary to go for a footing, that, if it was necessary to go to the depth of 8 feet, there would be any weakening of the foundation by reason of going to an additional depth of 4 feet?—A. No, sir; I think it would improve the stability of the foundation, because it would bring it about to that bed of gravel which extends all over the lot.

The CHAIRMAN. I will ask any questions of this witness that may be suggested by the gentlemen present. Have you anything to ask, Judge Shellabarger?

Mr. SHELLABARGER. I believe not, Mr. Chairman.

Mr. PROPPER. I would like to ask the witness a question or two.

Mr. THOMAS. I would like to ask this gentleman what interest he represents here.

Mr. PROPPER. Nothing but friendship prompts me in what I am doing.

Mr. THOMAS. Who do you represent?

Mr. PROPPER. It is friendship for Mr. Windsor that brings me here.

The CHAIRMAN (to Mr. Propper). I will ask the witness any questions you desire to have asked.

Mr. PROPPER. I would like to have the witness say if he knows the usual depth of the foundations of public buildings in this city.

By the CHAIRMAN:

Q. What is the usual depth of the foundations of public buildings in this city?—A. As I understand that question, he wants to know the thickness of the material that is put under the walls to form a footing for them to stand upon.

Mr. PROPPER. I desire to know the depth below the surface.

The WITNESS. That would depend upon the depth of the subbasement, cellar, drainage, etc. All that is a part of the foundation of the building. The thickness of the bed of concrete necessary to sustain the walls is usually from 3 to 5 feet; but that is for the heaviest structures in the city, like the library building. The Pension Office, as I understand it, stands on a bed 3 feet in thickness. The State, War and Navy Building has a bed of concrete 4 feet thick under all the walls.

Q. At what depth?—A. That building is located on a sloping lot. The average depth of the foundation walls below the natural surface of the ground is about 12 feet.

Q. I am requested to ask you this question: Do you know of any large and heavy building in this city that is built on a foundation 8 feet below the surface?—A. I do not. I have not the drawings before me or the figures in relation to that building, but I believe there are parts of the Pension Office not deeper than that in the ground.

Q. What is the depth of the walls of the Library building below the surface?—A. The depth of the bed of concrete is from 5 to 6 feet; parts are 5 feet and parts are 6 feet. Those are the depths below the cellar floor, which is itself about 12 feet below the surface of the ground. So we may say the bed of that foundation is 16 or 17 feet below the old, natural surface of the ground.

Q. Your sewerage there permits that depth of excavation?—A. Yes, sir. Drainage, however, is necessary only to the depth of the cellar floor. The concrete footing stands below the drainage level, as is very common in building.

Q. Suppose the bottom of the main sewer on North Capitol street to

be 14 feet below the curb line, would a cellar 12 feet in depth, with a foundation running down 4 or 5 feet more to the bottom of the concrete, be permissible?—A. Yes, sir.

Q. Would such a depth of cellar and foundation afford good drainage from the building into the sewer, and also furnish a safe foundation for a large building and heavy machinery?—A. I think so without a doubt. It is a little difficult, not having the levels of the lot and having no design of the building it is proposed to put there, to state these things with absolute accuracy.

Q. Were these test pits sunk where the walls of the building would be located?—A. I should think so. I have no idea what the plan of the building would be, but presuming it would be a rectangular building and well within the boundaries of the lot, as such buildings usually are, I should suppose it would show exactly the location of the walls.

Q. Were these test pits so located and of such character as to give an expert all the information desired as to what would be the result of putting a heavy structure upon the lot?—A. Yes, sir; I regard them so.

TESTIMONY OF THOMAS B. ENTWISTLE—Recalled.

THOMAS B. ENTWISTLE recalled and examined.

By the CHAIRMAN:

Q. Will you look at the plat produced by the last witness, Mr. Green (Plat E), and state whether or not it is a correct representation of the west half of block 678, and whether it shows the test pits, with particular reference to the depth of the fill and the depth of the gravel?—A. I accompanied Captain Green and two other gentlemen to the site. We took the measurements, and I had this plat made. The depths as he states them are correct.

Q. Then you have made another personal examination of this ground since your testimony was given before the committee?—A. Yes, sir. These are additional pits to those I testified to previously, sunk at different points, and for that reason they sent for me again. In company with those gentlemen we took the measurements and examined the strata.

Q. These six pits shown by this plat are not the ones you testified about the other day, as I understand you?—A. They are additional pits which have been sunk since. The depths, as shown by this plat, are correct, as is also Captain Green's statement as to the strata of the gravel.

Q. Did you see anything in your later examination to cause you to change your opinion as given from former examinations?—A. No, sir.

Q. What have you now to say concerning the capacity of this ground to give proper footing and foundation for an exceptionally large building in which heavy machinery is to be used?—A. I consider the character of that bed of gravel sufficiently firm and compact to carry any structure you may wish to place upon it.

Q. Would the foundation of a heavy building be weakened by going to a greater depth than the average depth of the bottom of these test pits?—A. I think not. It is hard to say what strata may be below those depths. They may be the same as in other land. The evidences there are that it is a compact, good bed of gravel.

Q. Take it with reference to these proposed buildings, the purposes of which you are familiar with—a printing office that shall carry exceptionally heavy machinery, a building for steam engines, and storage

warehouses which will be required to carry the heaviest possible material that can be stored, perhaps, and that is paper in bulk and books—is there, in your opinion, safe or unsafe footing on this ground for such structures?—A. With proper foundations such as any heavy building should have, that ground is capable of carrying a building of any capacity.

Q. Would it require any extraordinary or exceptional expenditure or precaution to secure a good foundation there?—A. I think not, except perhaps a greater depth in some points. On account of the levels of the lot, as Captain Green states, you might have to go deeper on the east side.

The CHAIRMAN. Does any gentleman want any questions asked this witness?

Mr. SYPHER. I would like to know what depth it would be necessary to go to secure a foundation such as he has described.

By the CHAIRMAN:

Q. I am requested to ask you at what depth you would secure such a foundation?—A. At a depth averaging from 8 to 12 feet from the surface.

Mr. SYPHER. Please ask the witness if he knows of any large building in this city built upon a foundation 8 feet below the surface.

By the CHAIRMAN:

Q. Do you know of any large building in the city of Washington built upon a foundation 8 feet in depth?—A. I cannot designate any particular building. It is necessary to go to a greater depth than 8 feet on account of the basement, cellar, etc.

Mr. ALLEN. I would like to know to what depth they went in connection with the Pension Office to secure a safe foundation.

The WITNESS. The Pension Office is over an old water way, and the foundation is pretty deep in some places. There was a ravine and water course that passed right under where the Pension Office is located, and portions of the foundation are some 15 feet deep, possibly.

Mr. ALLAN. That is precisely the character of this ground.

By the CHAIRMAN:

Q. Is there anything else you desire to say, Mr. Entwisle?—A. No, sir.

Mr. ALLAN. On Saturday we had no opportunity to call a single witness, and the other side has now called its third or fourth.

The CHAIRMAN. You shall have all the opportunity you want to be heard in support of any interests you may represent. It is better to have our testimony in compact form, and not sandwich the testimony of the witnesses of what may be called the plaintiff and the defendant.

Mr. ALLAN. We do not want to lose our rights.

The CHAIRMAN. You shall be heard at the proper time.

TESTIMONY OF PATRICK H. McLAUGHLIN.

PATRICK H. MCLAUGHLIN, sworn and examined.

By the CHAIRMAN:

Q. What is your age, place of residence, and business?—A. I am forty-seven years of age; my residence is in Washington, and my business is that of a contractor and builder.

Q. How long have you been familiar with the construction of buildings in the city of Washington?—A. Since 1874.

Q. Have you any personal knowledge of the west half of block 678, known as the baseball ground?—A. No, sir; except that I was called upon yesterday by Mr. Smith to visit the site with Mr. Green and Mr. Entwistle and examine those pits.

Q. Will you look at this plat (Plat E), which was produced by Mr. Green, and state whether it is a correct representation of the six pits that have been mentioned as having been lately dug?—A. Yes, sir; that is the map which we had with us yesterday when we examined the pits, and it is substantially correct, as stated by Mr. Green.

Q. Are there any evidences of any other test pits besides those six having been sunk there?—A. There were some others there, but we did not examine them.

Q. State whether or not the figures given as to the depth of the fill and the depth to gravel are correct.—A. The figures given by Mr. Green are correct.

Q. And are they correct as shown on this plat?—A. Yes, sir.

Q. What do you say from your examination as to whether or not this lot will afford proper foundation for the erection of an exceptionally heavy building such as you have heard described here?—A. I should consider it perfectly secure for any building you might put upon it.

Q. Would it require extraordinary expenditure or exceptional precaution to get a good foundation?—A. I think not.

Mr. THOMAS. Will you ask the witness what experience he has had in constructing heavy buildings?

By the CHAIRMAN:

Q. Have you had experience in the erection of heavy structures in this city?—A. Yes, sir; I was the master mechanic and overseer of the work of strengthening the foundations of the Washington Monument.

Q. Have you had experience in the construction of other large foundations?—A. No, sir; nothing more than ordinarily large buildings. I built the Ascension Church, on the corner of Twelfth street and Massachusetts avenue. I am now the contracter for the building of the new Naval Observatory

The CHAIRMAN (to Mr. Allan). Have you any questions to suggest?

Mr. ALLAN. I would like to ask the depth of the foundation of the Washington Monument.

The WITNESS. The foundation of the monument, as it now stands, is about 22 feet below what was the surface in 1878, although I understand there had been several feet graded off previous to that. The old, original foundation of the monument was only 8 feet below the surface when I went there in 1878.

By the CHAIRMAN:

Q. Do you mean to say that that pile that stood there for so many years, during the war and afterward, which I think was 150 feet high, was supported by a foundation only 8 feet in depth?—A. I should say about 8 feet.

Mr. GREEN. It was 7 feet 8 inches.

The WITNESS. It was 8 feet in round numbers; but the exact depth was 7 feet 8 inches, as Mr. Green says.

Mr. GREEN. The pressure on that foundation is over 5 tons to the *square foot.*

Mr. ALLAN. I was not present when the plat of the new test pits was introduced. I would like to inquire whether any pit was dug midway between F and G streets, on the east side of the west half of the lot?

The CHAIRMAN. That would be here [indicating].

The WITNESS. These are the only pits I know of [indicating]. Those are the only ones we examined yesterday in that portion of the square.

The CHAIRMAN. Here is one about midway of the east half of the square and 91 feet from the east line.

The WITNESS. We examined that one, and this one here, nearer the center of the square [indicating].

Mr. ALLAN. Is that 91 feet west from the east line?

The WITNESS. I think so; we did not measure it.

The CHAIRMAN. The plat answers that question fully. Here is the pit [indicating], 239 feet from G street and 91 feet from the east line of the square. Here is a pit, exactly where the witness Gleason located it, 100 feet from the east line of the square and 100 feet from F street.

TESTIMONY OF EDWARD W. WHITAKER.

EDWARD W. WHITAKER sworn and examined.

By the CHAIRMAN:

Q. State your age, residence, and occupation.—A. I am forty-nine years of age; residence, Columbia Heights; office, 1406 Pennsylvania avenue; occupation, patent and pension attorney. I have been engaged in the real-estate business, but I abandoned it recently on account of deafness.

Q. Are you familiar with the west half of block 678, known as the base-ball ground, in this city?—A. I am not specially familiar with it. I have never been inside of the inclosure; but I am familiar with all that section of the city. I intended to go inside before I came here to testify; but I never have been inside.

Q. Do you know anything about the location of the sewers about that lot?—A. I happen to have distinct knowledge of the location of all the sewers in that particular part of the city. I had charge of them as superintendent for the board of public works.

Q. When were they constructed?—A. The sewer on North Capitol street was constructed in 1874.

Q. What was the course of Tiber Creek in the vicinity of this lot before the construction of the sewers?—A. The old Tiber valley crosses square that you mentioned.

Q. At what point did the creek cross the square?—A. It intersected the eastern half of the square at G street and passed westward, nearing North Capitol street as it passed downward to the south.

Q. Running through the blocks adjoining?—A. Running right through them.

Q. Do you know where it entered the west half of block 678, with reference to the east line?—A. I could only speak from memory, and I might be aided by the examination of a plat. I have not seen the plat. I should say it crossed the east line of the west half of the square rather south of the center of the square from north to south.

Q. (Referring to Diagram A). Here is North Capitol street, here is the alley through the square, here is G street, and here is F street.—A. This is about the way the creek ran. [Witness indicates the course

of the stream by tracing an imaginary line across the alley on the east line of the west half of block 678 and across the southeast corner of the west half of the square.]

Q. State what you know concerning the construction of the sewers on North Capitol street, in the alley, and along F street, with reference to the depths of the sewers and the character of the soil that was encountered in their construction.—A. The soil was what we call "treacherous." Along here on F street [indicating] the sewer was run by Tomkins & Rucker, contractors. Williams & Barlett were the contractors on this large sewer [indicating], the largest ever constructed in the city and the largest that had been constructed in the country at that time.

Q. Was that on North Capitol street?—A. Yes, sir; on North Capitol street. It was called the Tiber sewer. It was constructed for the purpose of diverting the channel from its original bed in a straight line down the whole length of North Capitol street, commencing at the boundary; but they constructed the sewer from the Botanical Gardens upward.

Q. What was the depth of the excavation for the North Capitol street sewer?—A. It depended upon the grade. We were changing the grade upon North Capitol street at the same time. About opposite this point there was less change of the grade, and the excavation was less shallow than higher up, 15 or 20 feet; perhaps more than 20 feet, up here at G street and the Government Printing Office.

Q. About what was the depth of the excavation between F and G streets on North Capitol street?—A. I have not attempted to refresh my memory by examining any papers, and I could only speak from recollection of its appearance to the eye, as I stood examining it as an inspector daily; from 15 to 18 feet, perhaps; possibly 20 feet.

Q. State as to the character of the soil that you discovered at the time of this excavation.—A. It was what the contractors termed "treacherous." They often found quicksand in the F street sewer, as well as at other points. It was not a barrel sewer, but an arched sewer.

Q. Was it D-shaped?—A. Yes, sir; oval at the top. It was a D-shaped sewer.

Q. Have you any particular recollection concerning the soil on North Capitol street, between F and G streets?—A. The soil was complained of by the contractors on account of its having been filled. A portion of it was filled above the original surface. At points there was a fill, and at other points there was what experts call "quicksand." I remember there was a large cave-in just above G street here [indicating] after the arch had been turned and covered.

Q. That is between G and H streets?—A. Yes, sir; right in there [indicating]. I happened to be present at the time the cave occurred. A horse and cart and the whole arch went in. It was one of the important mishaps, and caused considerable expense.

Q. I want to direct your attention more particularly to the locality between F and G streets. We are told by some witnesses that there was a grading down of the street, and that there was a high point there. State the fact as to whether there was a filling there or a cutting down of the street.—A. My recollection is that between F and G streets there had been a filling, and it had been cut down by the old corporation before we laid the sewer. I remember that the houses on the west side were a little higher than the street. They had been built above the grade. There were no houses on the east side of North Capitol street at all. I do not remember of any unusual excavation in that square. I *think we found it* about level between one street and the other.

Q. Do you recollect particularly as to any quicksand beds in that square?—A. We had so much of it near these sewers in the vicinity of Tiber Creek that I have nothing to fix my memory upon any particular quicksand in that square, except that cave-in we had there. That was in treacherous ground.

Q. That was near the present Government Printing Office?—A. Yes, sir; a few feet north of G street, within a short distance of this square. We found treacherous ground as far as First street in laying the sewer, and as far as Second street on the Tiber branch, and when we got into the vicinity of the Tiber on Boundary street. I remember that Gantz and Appleton had trouble out by Gale's woods.

Q. Have you had any experience in the construction of heavy buildings?—A. No, sir; I have never been engaged in building I simply had charge of this work two years, under the board of public works, above Second street, west.

Q. Have you such familiarity with this particular plat of ground and such experience as would warrant you in giving an opinion concerning its capability to sustain a heavy building?—A. I can not state that I have any knowledge of that particular plat of ground except my general knowledge of the sewers in that vicinity. From my observation while constructing the sewers there I should say that it would be entirely unfitted for a large Government building. I would not think of erecting a heavy building there.

Q. Why?—A. Because the ground is treacherous. It was conclusively shown to be treacherous by the erection of these sewers in the vicinity of Tiber Creek.

Q. Suppose that test pits dug to gravel should show no quicksand, and suppose that such experts as the inspector of buildings of the District, the civil engineer in charge of sewers, the civil engineer in charge of the construction of the Library building, and the superintendent of the construction of the foundation of the Washington Monument should declare this ground was fit for a foundation, then what would you say?—A. I should say they had not examined the treacherous character of the earth in that vicinity.

Q. That would be your opinion?—A. Yes, sir; they certainly have not had the experience I have had in that vicinity.

Q. How deep would you go on that ground with a test pit to see whether a good footing could be obtained for a heavy building?—A. I should not stop at 20 feet. If I was laying the foundation for a heavy building there I would go 30 feet.

Q. You would dig at least 30 feet?—A. I would not feel safe at anything less. When you get below the gravel you will find treacherous, sliding quicksand.

Q. Are you familiar with what is known as lateral pressure? I believe the engineers call it direct or lateral pressure. I do not know that I have the proper technical term.—A. I am not an engineer, and do not claim to have expert knowledge.

Mr. ALLAN. I would like to ask General Whitaker whether, from his knowledge and observation of the character of the soil in the region of Tiber Creek, it is not a fact that the quicksands or marshes discovered are beneath the bed of gravel?

WITNESS. I did not understand the question.

Mr. ALLAN. I would like to inquire whether, from your knowledge of the character of the ground in the region of Tiber Creek, you do not know it to be a fact that the treacherous or quicksand points are beneath the strata of gravel, and *not above them*?

A. Invariably below. There were constant surprises there.

Mr. ALLAN. I would like to ask another question.

Mr. THOMAS. I should like to know in whose interest Mr. Allan appears.

Mr. ALLAN. I appear in the interest of Mr. Windsor.

Mr. THOMAS. Do you not also appear in the interest of Mr. Mahone?

Mr. ALLAN. Yes, sir.

The CHAIRMAN. You may proceed with your questions, Mr. Allan.

By Mr. ALLAN:

Q. Did you see the construction of the sewer on North Capitol street?—A. I saw it daily.

Q. Do you know anything as to the precautions that were required in obtaining a foundation at the points where the treacherous soil to which you have referred was discovered?—A. A deeper excavation was always required.

Q. Were not pine logs used for a foundation?—A. I do not remember whether logs were used. I know that a large quantity of lumber was used.

Q. Pine lumber?—A. Heavy lumber; planks.

Q. Do you remember the depth to which that was required at any particular point?—A. No, sir; I could not state now the depth, because I have no recollection of any exact measurement. If I should testify as to the exact depth I would like to be accurate.

By the CHAIRMAN:

Q. How far to the northward did you superintend the construction of the North Capitol street sewer?—A. Until it passed K street.

Q. Did you have any knowledge of the sewer beyond that point to the north?—A. It was completed northward by the Commissioners of the District of Columbia, under the new form of government. I was not connected with that.

Q. Did this same character of treacherous ground extend all the way up to K street?—A. Yes, sir.

Q. Was it as bad at K street as at G?—A. It was just about the same distance from the bed of Tiber Creek.

By Mr. ALLAN:

Q. What distance from the bed of Tiber Creek did it generally extend?—A. Nearly the length of the square. Those were long squares between North Capitol and First streets, and the Tiber went through above.

Q. I did not have reference to where the bed of the Tiber ran through the square, but to what extent on either side of the bed of the Tiber you found this treacherous character of soil.

By the CHAIRMAN:

Q. Were you talking about the Tiber or the sewer?—A. We had the most trouble in constructing the sewer on the west side, from Pennsylvania avenue to H street. This Tompkins & Rucker F-street sewer that empties in here [indicating] caused trouble as far east as Second street. We also had great trouble with the Boundary street sewer, which was to intercept Tiber valley and carry the water off on Boundary up in the vicinity of Gale's woods. We went down 30 or 40 feet there and found quicksand.

TESTIMONY OF ROBERT A. BOYD.

ROBERT A. BOYD sworn and examined.

By the CHAIRMAN:

Q. What is your age?—A. I am fifty-one years of age.

Q. Where do you reside?—A. At 1235 Maryland avenue.

Q. What is your occupation?—A. I am a contractor and builder.

Q. How long have you been a contractor and builder in the city of Washington?—A. I have been here since 1866, and have been engaged on public works and contracting since 1871.

Q. Have you had experience in the building of large and heavy structures?—A. Some large buildings, and I have had some experience in building sewers. I was connected with Col. Sam Strong several years in building sewers.

Q. What large structures have you helped to erect?—A. I have been connected with the construction of several large buildings in the city.

Q. What was the largest building that you had connection with as constructor?—A. I have superintended some large buildings. I was over on the Pension Building while that was being built. I did a portion of that work.

Q. As superintendent?—A. As contractor.

Q. Are you familiar with the locality where the west half of block 678 is situated?—A. I am somewhat familiar with it.

Q. How long have you known it?—A. Since 1872 I have been particularly familiar with it.

Q. Did you have anything to do with the erection of the sewers in that vicinity?—A. Nothing more than to make estimates of the cost of them. When it was decided to build them I put in a bid for the work.

Q. Did you have any personal knowledge of the actual building of the sewers?—A. Yes, sir; I had occasion to go across there nearly every day, in building the Boundary street sewer.

Q. You built the Boundary street sewer, then?—A. I was foreman and superintendent for Strong.

Q. State if you know as to the character of the soil that was developed on North Capitol street or on F street in the construction of these sewers.—A. My general knowledge of it was that there was considerable trouble with quicksand and caves. I know there was one very large cave on North Capitol street at one time.

Q. Where was it?—A. It was just below H street.

Q. Near the present Government Printing Office?—A. Somewhere in that neighborhood.

Q. What is the size of the sewer on North Capitol street between F and G streets?—A. I think it is 25 feet span, elliptic circle, with stone side walls 5 or 7 feet in height; I am not certain now.

Q. Do you know the depth from the curb line to the bottom of the sewer on North Capitol street, between F and G streets?—A. Not exactly, but I think the crown of the sewer is just a short distance below the surface.

Q. What is the height of the sewer?—A. I am not positive; 10 or 12 feet.

Q. Have you made any accurate investigation of this matter, as to the sewers?—A. None at all since we went along the line, before the sewer was built, and examined the condition of the ground. That is the only investigation I ever made.

Q. Do you remember as to the character of the ground when you made that examination?—A. At that time the creek was running through there in different directions.

Q. Do you mean to say the creek was running along North Capitol street, between F and G streets?—A. No, sir. The creek left there and went through the square farther below and east of that.

Q. Do you know the point at which it entered block 678 and where it made its exit?—A. I could not state now from recollection.

Q. Have you made any examination of this lot with a view of ascertaining whether it would afford a good foundation for a heavy building?—A. None whatever.

Q. Have you looked at these test pits?—A. No, sir; I have not been there at all.

Q. Have you any such knowledge of the ground, either from personal observation or from the construction of sewers about it, as would warrant you in giving an opinion as to whether it would hold a heavy building with safety?—A. I should say that in going down to make a solid foundation they would come to quicksand. We found quicksand on New Jersey avenue when we were putting in a water pipe.

Q. You seem to have struck it from the Boundary down to the Potomac River.—A. Yes, sir; we had a bed of quicksand on the Boundary when we put the sewer on Fifteenth street. It is on the same level.

Mr. THOMAS. I would like to have this witness asked whether he has had any personal difficulty recently with Mr. Thomas W. Smith, one of the parties interested in this proposed site.

Mr. ALLAN. First it would be necessary to show whether he has any interest as opposed to Mr. Smith.

By the CHAIRMAN:

Q. Have you had any personal difficulty with any of the people who are interested in the lot in question?—A. I did not know before who owned it. I did not know the owner at all.

Q. Have you any interest in any land that is being offered to the Government as a site for the new Government Printing Office?—A. No, sir.

Mr. THOMAS. Are you not under indictment for perjury in this District?

The WITNESS. No, sir.

Mr. THOMAS. Was not your name in the list which General Butler presented in his suit against Strong?

The WITNESS. No, sir.

Mr. THOMAS. Are you the same Robert A. Boyd that is mentioned in the suit of Butler *vs.* Strong?

The WITNESS. Yes, sir.

Mr. THOMAS. You made some affidavits in that case, did you not?

The WITNESS. Yes, sir.

TESTIMONY OF DENNIS M'NAMARA.

DENNIS MCNAMARA sworn and examined.

By the CHAIRMAN:

Q. State your age, residence, and occupation.—A. My age is about sixty years, I live in the city of Washington, and I am a contractor.

Q. *Are you* a contractor for the construction of buildings?—A. No, *sir.*

Q. What kind of a contractor are you?—A. Cellar digging and street working.

Q. How long have you been in that employment?—A. Over thirty years.

Q. Are you familiar with the west half of block 678 in this city, known as the baseball ground?—A. Yes, sir.

Q. How long have you known it?—A. Thirty-six years.

Q. Have you lived near it?—A. On the opposite square.

Q. State, if you please, in your own way, what that lot was like a good many years ago, before it was filled?—A. From North Capitol street to the Tiber there was a descent or fall, and at the corner of North Capitol and F streets it was higher.

Q. You have given the slope of the ground. Now what was the character of the surface?—A. It was good.

Q. Was it not boggy and swampy?—A. No, sir.

Q. Was no part of the west half of that square boggy and swampy?—A. Not until you got to the creek, and then it was not swampy much; but the gravel was washed out by the heavy freshets. I dug and hauled gravel out of part of that square, but that was up near North Capitol street.

Q. You dug the gravel out of the creek?—A. No, sir; out of the bank. I dug it out of the bank and hauled it away to use.

Q. Did you do that work during the rainy season?—A. About the month of April.

Q. Did you not have trouble in getting your teams out of there?—A. No, sir; not at all.

Q. You think it was a good surface?—A. Certainly.

Q. There were no boggy holes in any part of it?—A. No, sir.

Q. Where did the creek enter the lot?—A. It entered at G street.

Q. Whereabouts, with reference to the present alley?—A. Do you mean the alley that runs through the square?

Q. Yes, the alley that runs on the east side of the west half of the square?—A. It cut across where the mill is built now.

Q. That mill on G street?—A. Yes, sir; the mill that fronts on G street.

Q. It ran under the present planing mill, you think?—A. Yes, sir; a part of it did, and a part of it was toward the square.

Q. Toward the alley?—A. Yes, sir.

Q. Where did it enter the west half of block 678?—A. You mean down near F street?

Q. Wherever it was.—A. It ran along and cut more into the east half of the square than it did into the west half. It ran along here [indicating on plat C].

Q. Sometimes a plat is very confusing. Perhaps I can make it clear to you. Here is North Capitol street [indicating], here is the Government Printing Office, here is the Capitol, here is G street, here is F street, and here is the alley, which cuts this block right in two. The planing mill stood about here?—A. Yes, sir.

Q. Whereabouts did the creek enter, with reference to that planing mill?—A. Between this planing mill and here [indicating].

Q. Then it entered at the alley?—A. Yes, sir; across the alley.

Q. Where did it run through the east line of the west half of this lot?—A. It ran along, taking a good part of this half of the square, and cut across here [indicating].

Q. Across the southeast corner?—A. Yes, sir.

Q. Is that right?—A. It *did not* come quite as straight as the alley.

Q. What was the width of the water in this creek at the usual stage?—A. In heavy freshets I should say it was a hundred and some odd feet in width.

Q. What was it at the usual stage?—A. Of course where the freshets wore down the banks——

Q. (Interposing.) I want to know the width of the running water itself at the usual stage.—A. In the summer time when there would be no freshet for some time, there would be but little water. You could cross with your shoes on.

Q. How wide was it? Could you leap across it?—A. No, sir; there were little stepping-stones, and you could go across by stepping from stone to stone. There was no deep water except when a freshet came, and then it would rise up high.

Q. How wide was it between the tops of the banks?—A. I should say one hundred and some odd feet during a freshet; but when the freshet was over, what little water there was would run in the center. During a freshet it would spread.

Q. I am not speaking of the water. How wide was it from the top of the bank on one side to the top of the bank on the other?—A. About 125 feet, I should say.

Q. How high were the banks?—A. About 6 feet, I should say. It might be a little more; I never measured it.

Q. Did you help dig the sewer on North Capitol street?—A. No, sir. I saw it dug.

Q. You lived there at that time?—A. Yes, sir; and carted sand away all the time.

Q. What was the character of the soil found in that sewer?—A. I would call it good soil.

Q. Were there any quicksands there?—A. None that I ever saw.

Q. In digging for the sewer did they not strike quicksand?—A. I never saw it.

Q. Where did you live at that time?—A. In square 677, opposite the present Government Printing Office.

Q. And you say you hauled earth from the sewer excavation?—A. No, sir; I only saw it hauled out daily by the carts. It was hauled by carts down to the very bottom of the sewer.

Q. Are you sufficiently familiar with the west half of block 678 to give an opinion as to whether it would afford a good foundation for a heavy building?—A. I am familiar with it, certainly.

Q. What do you think about it?—A. I think it is good soil.

Q. Do you think it would afford a good foundation for a heavy structure?—A. Yes, sir; by the depth I went down in these pits.

Q. Did you go down into these pits?—A. Yes, sir.

Q. Last week?—A. I dug them.

Mr. THOMAS. This is the man that dug the pits.

By the CHAIRMAN:

Q. And you are convinced, from your knowledge of the ground, that it would afford a good footing for a heavy building?—A. Yes, sir; I am.

Q. How far down would you have to go in the southeast corner to get a good foundation?—A. I got it there at 12 feet 4 inches, including part gravel that I struck before I got to the bottom. The deepest I went was 12 feet 4 inches.

Q. Do you know what is under that gravel?—A. No, sir; but I should say gravel kept on down. I should think the deeper you went *the better* gravel you would find.

TESTIMONY OF WILLIAM H. MOHLER.

WILLIAM H. MOHLER sworn and examined.

By the CHAIRMAN:

Q. State your age, place of residence, and occupation.—A. I am forty-five years old, I live at 1500 North Capitol street, and I am a general contractor.

Q. On what cross street is your residence located?—A. My house is at P and North Capitol streets.

Q. Are you familiar with the west half of block 678?—A. Yes, sir; I am.

Q. How long have you known it?—A. I have been personally acquainted with it about thirty-five years. I have played over the ground from my boyhood up.

Q. You knew it then before it was filled up?—A. Yes, sir.

Q. Do you know the course of the old stream known as the Tiber in that vicinity?—A. Yes, sir.

Q. State the course of that stream over the west half of block 678, west of the present alley.—A. To my best recollection the stream entered the square about the northwest corner of Mr. Smith's planing mill, and went in a southerly direction, cutting off a portion of the southeast corner of the square.

Q. Did it cross the west half of the square at any point?—A. It crossed a portion of it at the lower end.

Q. The southeast corner?—A. Yes, sir.

Q. What was the character of the surface of the west half of this square before it was filled in?—A. It was commons, covered by soil and grass.

Q. Was it boggy or swampy?—A. No, sir. It was dry soil. Within a day or two after a heavy rain you could lie on the grass on the common. It would get dry very quickly on account of the branch being a little deeper than the lot, which gave the water an opportunity to drain into the creek.

Q. Have you made any examination of this lot?—A. None lately, sir. I put the ground in shape for the baseball club.

Q. You graded it up at that time?—A. I took the square in the rough shape and graded it up.

Q. When was that?—A. Five years ago this spring, I think.

Q. Prior to that it was a dumping ground, was it not?—A. Yes, sir; it was a dumping ground for anything anyone wanted to haul there.

Q. You leveled it off and put it into its present shape?—A. Yes, sir; the eastern portion was a dumping ground, but I graded off the original soil at the west side.

Q. You made a cut along North Capitol street?—A. Yes, sir; we had to cut it off to get to the grade there. The ashes and refuse from the city had been deposited nearer the eastern end of the square.

Q. And you took the earth from the west side and covered it over?—A. Yes, sir.

Q. Have you examined these test pits that have been dug?—A. No, sir; I have not seen them.

Q. Do you know anything about the ground under the original surface?—A. No, sir; nothing more than at one place, near the alley. At the time I was grading this lot I had occasion to make an excavation near the sewer; I was hunting for the sewer, in fact, which was

up. I got down to a good bed of gravel there. Of course I did not have to dig very deep, because the surface was low there. I merely wanted to get a place for the men to use as a water-closet during working hours. I dug down until I found the sewer; but I found good gravel there. That was the only occasion I had to dig there, and I did not do do that with an idea of examining the ground.

Q. Have you had any experience in the erection of large buildings?—A. No, sir; my business is contracting for excavating sewers and building foundations and side walls for houses, but not to construct houses.

Q. Have you such knowledge of this square in question or such experience in connection with building as would warrant you in giving an opinion as to whether this ground would furnish a good foundation for an exceptionally heavy structure?—A. From the nature of the soil I have seen in constructing sewers in the vicinity, I should think it would be as good ground, if you went down 10 or 12 feet, as you would get anywhere in the city, and it would be perfectly safe to construct a building of any size there, provided you put in a foundation wide enough.

Q. Were you connected in any way with the building of the sewer along North Capitol street?— A. No, sir. I constructed one on North Capitol street, betweeen G and H streets, under the sidewalk, but I had nothing to do with the construction of the Tiber sewer, as they call it. I laid a pipe sewer under the sidewalk.

Q. What depth did you go for that?—A. Eleven or twelve feet.

Q. On which side of the street?—A. On the east side.

Q. What kind of soil did you find there?—A. I struck about 4 feet of gravel in the bottom of my trench. From there down it was all solid red gravel and stone.

TESTIMONY OF JOHN RAEDY.

JOHN RAEDY, sworn and examined.

By the CHAIRMAN:

Q. What is your age, place of residence, and business?—A. I am thirty-nine years of age, I live at 701 North Capitol street, and I am at present engaged in the liquor business.

Q. What was your occupation before you went into the liquor business?—A. I am a stonecutter by trade.

Q. Have you had any connection with the building of large structures?—A. Not a great deal; only my experience acquired as mechanic while working at the business.

Q. How long since you worked at your trade?—A. Fifteen years.

Q. How near is your place of residence to the baseball ground?—A. Just the width of the street; about 90 feet, I think.

Q. How long have you lived there?—A. Fifteen years.

Q. State what you know as to the character of the west half of block 678.—A. I have lived in the neighborhood of that square about twenty-seven years.

Q. And have been familiar with this lot that length of time?—A. Yes, sir.

Q. State, if you please, the character of the original surface of that lot, and where the Tiber entered and left block 678, with reference to the present alley.—A. When I first saw that lot it was at about the level of *the streets* as they were at that time; that is, G and F streets. There

was a cut on the North Capitol street side, and the Tiber entered about where Mr. Smith's mill now stands, taking a part of the alley.

Q. That is the planing mill on G street?—A. Yes, sir; running south, and bearing southwest a little, taking across the southeast corner of the lot there.

Q. What was the character of the surface of the west half of the lot?—A. It was then a grass field, the same as any field.

Q. Was any part of it boggy or swampy?—A. None whatever.

Q. Were there evidences of quicksand beds or deposits?—A. No, sir; there were never any excavations made on the lot below North Capitol street.

Q. Have you examined the test pits that have been sunk there?—A. Yes, sir.

Q. Which ones did you examine?—A. All of them.

Q. Those originally dug, and those dug later?—A. All that were there last Saturday, I think.

Q. In your opinion were they of such depth as to permit one to see the character of the soil and determine whether the original surface had been reached?—A. Yes, sir; they were 2 feet below the original surface in some cases. In all cases they went down to gravel.

Q. Have you such knowledge of matters of that character as would warrant you in saying to the committee whether or not this ground would afford a good foundation and footing for an exceptionally heavy building?—A. Yes, sir; I think, from my knowledge acquired from my business as a mechanic, I could give an opinion.

Q. You say you think it would afford a sufficient foundation for such a building as it is contemplated to put there?—A. Yes, sir; I have also put some large buildings on my own ground across the street from this square.

Q. You own property across from this lot?—A. Yes, sir; fronting on North Capitol street, opposite the square now occupied by the Government Printing Office.

Q. You have some interest, then, in having the Government take this lot?—A. My interest would be greater to have them take the other lot, as I own——

Q. (Interposing.) Which lot?—A. The one the Government Printing Office is now on. I own property on H street to the value of $15,000 or $20,000, and about $30,000 worth of property fronting on North Capitol street, directly opposite the square occupied by the Government Printing Office.

Q. So that your interest is adverse instead of favorable to the proposed site?—A. Yes, sir.

Mr. THOMAS. Will you ask the witness about the cellars on the square occupied by his building?

By the CHAIRMAN:

Q. Have you any cellars on your property?—A. Yes, sir.

Q. Please describe them.—A. The cellar under the house I occupy is about 7 feet below the level of the grade. I used that cellar for a great many years without a concrete floor; it had only the natural floor, the ground.

Q. Have you ever had water in it?—A. No, sir.

Q. Have you been troubled by dampness?—A. Never. The other large building I have there, used as a warehouse, I built for the Milwaukee Brewing Company.

Q. Where is that?—A. That is adjoining. I own 66 feet there. Twenty-five feet I use myself.

took in the main body of water that used to run down Tiber Creek?—A. It was.

Q. And then the Tiber sewer, which took not only the water that ran down the old bed of the creek, but also that that ran down North Capitol street, commenced at the corner of E and North Capitol streets?—A. Yes, sir.

Q. And from that on down to the Potomac is a sewer of very great dimensions?—A. A 30-foot span, elliptical sewer.

Q. A D-shaped sewer?—A. Yes, sir; one of the largest ever constructed.

Q. State the charcter of the soil you struck in building that sewer.—The bottom of the creek there was approximately on the grade on which the sewer is constructed. The storm valley of the water there was probably 100 feet wide, and this sewer stood in the middle of the valley. At this point [indicating on Plat C], near Massachusetts avenue, the bank, already abrupt and high, cut into the bank about 6 feet, but the bottom of the sewer sets on the bottom of the old creek. We did not have to go over 1 foot in some places and 2 feet in others. But here [indicating] was a place that had been washed out by the water boring out a portion of the sewer built before I commenced. That portion had been built, and the flow of water from that had washed the gravel out to a depth of 4 or 5 feet.

Q. Was the bottom of that stream sand or gravel?—A. It was red gravel.

Q. That had been carried there by water?—A. No, sir; it was the original bed of gravel.

Q. Immediately under that was there not a deposit of soft soil or of muck?—A. I found none, not even where the discharge of that sewer had washed it out. To continue the sewer there for a distance of about 30 feet I merely filled the hole up with gravel.

Q. How did that sewer stand?—A. I was in it with Captain Green four or five years ago, and it was very good then.

Q. Do you know anything about the construction of the sewer on North Capitol street between F and G streets?—A. I had nothing to do with that.

Q. From your knowledge of the surroundings there, and from your experience in your trade, what do you say as to the west half of block 678 affording, in your opinion, a good footing and foundation for an exceptionally heavy building without extraordinary expense?—A. I should think it would hold any building you could put on it. I should not hesitate to run this sewer without extra foundation right through it, although it carries a heavy stream of water.

By Mr. ALLAN:

Q. To what depth would you go to secure a good foundation for such a building as the chairman has just described?—A. The sewer at this point [indicating] is 8 feet above datum, and this ground here was probably 3 or 4 feet above that. I should judge that from the bottom, where the water flowed, it could not be over 8 or 10 feet to solid gravel. For an exceptionally heavy building such as the chairman describes there are reasons why you should put a bed of concrete in 4 or 5 feet thick, and it would then hold anything you could put there.

Q. What depth would that make the foundation from the surface?—A. Not over 14 or 15 feet.

Q. Have you any knowledge as to the depth foundations of public buildings in this city go below the surface?—A. I have not.

Q. You do not know the depth to which they went to get a good foundation for the Pension Office?—A. Only from observations in passing the building. There is a sewer running diagonally through that square, taking up a stream that formerly ran there, and that sewer is immediately under the Pension Office. I remember where that branch was, because they had to go deeper there than at either end.

Q. What was the reason of their going deeper?—A. In the first place it was washed out, and the ground seemed to be softer there. I did not pay any particular attention to anything except that they had to go deeper. I did not look into the reasons for it.

Q. What is the depth of the foundation of the Peace Monument?—A. I do not know that.

The CHAIRMAN. Are there any more witnesses to be heard?

Mr. THOMAS. We have another witness, who is an expert, and who has been engaged in putting up heavy buildings, but he is not present.

The CHAIRMAN. I think if we allow you gentlemen who are interested in this lot one more witness you will have had a pretty full hearing.

Mr. THOMAS. That will be satisfactory to us.

The CHAIRMAN. How many witnesses do you gentlemen representing adverse interests here desire to have examined?

Mr. ALLAN. We would like to have four gentlemen examined.

The CHAIRMAN. Are they all experts?

Mr. ALLAN. Yes, sir.

Mr. PROPPER. We have some parties who did the filling of this identical lot, and we would like to have them heard.

Mr. ALLAN. I will ask the chairman if a certified copy of a map of this square furnished by the Coast Survey would be received?

The CHAIRMAN. We have a map from the Coast Survey, the Boschke map. It shows the course of the stream through this block, although it is on a very small scale, and it practically corroborates the bulk of the testimony with reference to the course of the stream through the southeast corner of the west half of block 678.

Mr. MCCOMB. I was asked by the committee to have a copy made of this plat, showing the general line of Tiber Creek before it was filled up. (See Plat D, Appendix.) I was also requested to find and bring with me the report of the inspector engaged in the work of supervising the construction of that North Capitol Street sewer. I have had diligent search made for that report, but it was not found and can not be found. It was one of the records of the board of public works, and it does not appear to be in existence.

Mr. PROPPER. We expect to produce it.

Mr. MCCOMB. In looking over the matter, I endeavored to ascertain what portion of the sewer I gave grades upon. I stated the other day that I gave grades for certain portions of this sewer, and that therefore I had knowledge of the construction of the sewer. I find upon examination of the records that I gave no grades south of K street.

The CHAIRMAN. You gave no grades on the sewer in the vicinity of square 678, then?

Mr. MCCOMB. No, sir; I have only such familiarity with that portion of the sewer as was afforded by casual observation in passing.

The CHAIRMAN. As I understand this map, the red line shows the course of the stream, commencing on F street and running across block 678 up to K street?

Mr. MCCOMB. Yes, sir.

The CHAIRMAN. It shows the direct course of the stream, taken at points 100 feet apart?

Mr. MCCOMB. Yes, sir. This first point is 400 feet, in point of fact; but the levels were taken in the bed of the stream at points 100 feet apart, and this map indicates the level of the bottom of the creek at that time with reference to the city datum plane, which is practically mean high water, and the same datum upon which the levels appear in the sewer.

Mr. SYPHER. I would like to make a suggestion. I think the committee would get some very valuable testimony if they would invite General Meigs to come before them. He constructed the Pension Office. He is a very intelligent gentleman, and has had large experience, as you all know, in such matters. I would also suggest that you get the testimony of Mr. Clark, the Architect of the Capitol, who, I understand, constructed the Peace Monument. I make these suggestions this reason: The Peace Monument lies right in this swale, in the track of the Tiber, and it is certainly a more eligible foundation than any of the ground between the Peace Monument and the Boundary, in my judgment, and I believe Mr. Clark will say so.

The CHAIRMAN. Pardon me, Mr. Sypher. If we permit attorneys to make arguments it will be difficult to terminate this hearing.

Mr. SYPHER. I simply wished to make the suggestion.

The CHAIRMAN. We will be glad to call any witnesses before us whose names you may suggest; but it is perhaps best not to state what they will testify to.

Mr. SYPHER. There is another point that will be interesting and throw light upon this subject. Ascertain who put down the foundation of the Congressional Conservatory, which is in the course of this stream. You can get something interesting out of that. I think Mr. Clark and Mr. Smith could tell you something about that.

The CHAIRMAN. I can not very well, in the absence of my colleagues of the committee, fix a time for another meeting; but I will consult with Senators Hawley and Gorman, and notify you gentlemen who are interested as to the time of our next meeting.

Adjourned.

WASHINGTON, D. C., *February* 7, 1891.

Committee met pursuant to the call of the chairman.

Present: Mr. Manderson (chairman); also, the Public Printer, Samuel Shellabarger, esq., S. T. Thomas, esq., J. H. Sypher, esq., Edgar Allan, esq., Mr. Thomas W. Smith, and others.

TESTIMONY OF WILLIAM C. MORRISON.

WILLIAM C. MORRISON, sworn and examined.

By the CHAIRMAN:

Q. What is your age, place of residence, and business?—A. I will be 62 years of age on the 24th day of May next; I reside in Washington, and my business is that of a builder.

Q. How long have you been engaged in the business of building?—A. I have been carrying on the business for 30 years.

Q. In Washington?—A. No, sir; I have been here 18 years.

Q. Have you had experience in the construction of heavy buildings

carrying machinery, or buildings that were heavy because of the character of their construction?—A. I have built a great many very heavy buildings.

Q. Have you built any heavy buildings in Washington?—A. No, sir; I do not know that I have.

Q. Are you familiar with the block known as the base ball ground, where it is proposed to construct the new Government Printing Office?—A. Yes, sir; I have been on the ground.

Q. Have you made an examination of that ground, with a view of determining its adaptability as a foundation for a heavy building?—A. Yes, sir.

Q. When did you make such an examination?—A. I do not remember the day of the month. I went there one day with Captain Green and one or two others. Mr. Entwistle was present at the same time. I can not recall the day of the month; but it was some time in the latter part of January.

Q. Were the test pits that have been mentioned here dug at that time?—A. Yes, sir; they were dug.

Q. State whether or not those test pits were of sufficient depth and width to develop to your satisfaction the capacity of this soil for foundation purposes?—A. They were. They were large enough to permit a man to go down into them and see what the nature of the soil was from top to bottom.

Q. How many test pits were there?—A. Probably six or seven. There were as many as that, I think.

Q. Did you make any measurements of the pits?—A. Yes, sir.

Q. Have you a memorandum of those measurements with you?—A. I have not. Captain Green took the measurements on a piece of blue paper. I held the line, and he took the figures.

Mr. THOMAS. The measurements are shown on the plat which Captain Green introduced when he testified.

By the CHAIRMAN:

Q. [Handing witness Plat E.] Have you examined this map?—A. I have not.

Q. Will you look at it and state whether or not the pits you examined at the time of your visit to these premises are properly located upon it? And also state whether or not the depths as there given are correct.—A. This is simply a tracing of the plat. It is not the same plat that I saw; but the holes seem to be located on this plat about as I remember them, as near as I can judge. As far as the depths of these holes are concerned, I did not keep a copy of the memorandum we made that day. The depth of the fill, from the top down to the original surface, and so on, was marked on the plat, and I judge the figures given on this plat which I have in my hand are correct.

Q. Did these pits which you examined go to the bottom of the fill, and then to the gravel below the original surface?—A. Yes, sir.

Q. Were you familiar with that locality before it was filled up?—A. No, sir; I did not know anything about it.

Q. Did you know the course of the Tiber through a portion of this ground?—A. I did not.

Q. Tiber creek is said to have run across the southeast corner of the west half of block 678, entering on the alley side of the half square, perhaps 75 to 100 feet from the southeast corner, and making its exit on the F street side of the block about 75 feet from the southeast corner. Now, from that view, and from your explorations of these

pits, what do you say as to the capacity of this soil for supporting a large building in which exceptionally heavy machinery is to be used?—A. I think the foundation is a good one.

Q. You think it would afford a good foundation?—A. I do. From the examination we made of this pit in the southeast corner I should judge it was sunk to the gravel below the original soil, although I do not know anything as to the character of the ground before it was filled in.

Q. What do you say as to that particular locality, the southeast corner, affording a good footing for a heavy building?—A. I think it would afford a good foundation.

Q. Would any extraordinary precautions or expenditures be necessary in constructing a building there?—A. I should not think any extraordinary expense would be necessary there, any further than to put a good, hard concrete footing under the walls. That is my judgment.

Q. Do you think any greater precaution or expense would be required there than in the average location in this city, say, for instance, the site of the library building here on the hill?—A. I do not consider it as good a foundation as that of the library building. I think you will always find a better foundation on a hill than in a hollow. I would take a little more precaution there than I would here on the hill, where the library building is situated.

Q. Do you mean that you would go to a greater depth, or that you would give your footing a greater width of base?—A. I would give it a greater width of base, and I would also increase the depth a little.

Q. Do you think piling would be necessary in any part of this lot?—A. I do not think so.

Q. Did you see any evidence of quicksand there?—A. None whatever.

Q. Suppose there should be quicksand there at a depth of 20 feet below the original surface, would that be injurious to a building of the character that I have described?—A. If you struck a bed of quicksand, I should think it would endanger the building.

Q. But suppose it should be below the footing of your walls, what then?—A. How far below?

Q. Say 20 feet below the surface, or perhaps 8 to 10 feet below the bottom of your concrete?—A. If I was sure there was a bed of quicksand there, I think I would take extra precautions around that corner in putting in my foundation.

Q. From your experience in Washington, do you know whether quicksand in that locality exists as strata, or in pockets or pits?—A. I do not know.

Mr. THOMAS. I would like to have you ask the witness what heavy buildings he is engaged in building at the present time.

By the CHAIRMAN:

Q. Are you at present engaged in the construction of any heavy buildings?—A. I am building a heavy building at the corner of Ninth and F streets, which is up eight stories now.

Q. That is the stone building of the Washington Loan and Trust Company?—A. Yes, sir.

Q. What are its dimensions?—A. It is a few inches less than 60 feet on F street, about 116 feet on Ninth street, and there is a wing running back from Ninth street 126 feet.

Q. Is that building constructed entirely of stone?—A. The outside wall is stone clear to the top, backed up with hard brick.

Q. Was it gravel or clay?—A. Clay. It was gravel where we sta
but just through that gravel a short distance, if I am not mist
there was a kind of blue, sticky, pipe-clay, and we did not go thr
into that, because if we had gone into that we might have ke
down for 15 feet without striking any better ground. We put our
base of concrete footing on that clay, and I have not discovered a
in the building.

Mr. THOMAS. I wish to state that Mr. Morrison built the Chur
the Covenant, as well as several other large buildings here in the

By the CHAIRMAN:

Q. Did you build the tower that fell?—A. Yes, sir; I built it,
rebuilt it after it fell.

Q. Was the falling of that tower due to a defective foundation?
No, sir; it was due to the fact that the walls were backed up
rubble stone—broken, irregular, bits of stone. The walls were ba
up with that sort of material, and that is the reason the tower fel

Q. Did you rebuild the tower on the old foundation?—A. Yes
we did not go below the concrete. I heard some talk of quick
there. One of the architects from New York said there was quick
there, but I never saw any. The foundation started on a hard g
bottom, and you can not find a better foundation in Washington
we found there. When we built the tower the second time we st
with the concrete foundation.

Q. You do not think the tower will fall again?—A. I do not thi
will. The work is overdone this time as much as it was underdon
fore.

Q. At what depth do you think a good foundation could be h
the baseball ground for a building of the character I have describe
A. I do not think it would be necessary to go any deeper than
holes have been dug. Of course, I did not stay there long enou
make any particular test. I merely give my opinion.

By Mr. ALLEN

the sewers in that immediate locality, as superintendent for the board of public works of the District of Columbia, should testify that from his knowledge of the prevalence of quicksands throughout the locality, this lot was not a suitable one for a large building such as is proposed, would you or not change the judgment which you have formed from the inspection you have made?—A. If I thought he was right, I would.

Q. How would you determine whether he was right or you were right?—A. I would have no way of determining that, because he is supposed to know about the locality, and I do not know. I testified a little while ago that I knew nothing of the ground until I went into these pits.

Q. Then this judgment of his, based upon the practical knowledge obtained by him in his official capacity, would change the judgment you have just given, would it not?—A. Do you mean in the minds of other people, or in my own mind?

Q. In yours?—A. Why, if he knew all about the locality; yes, sir. If he knew all about the locality, and I knew but little, I should think his judgment on that point would be better than mine. All I know about the ground is what I saw in these holes that have been sunk.

Q. If a witness who lived in that locality at the time Tiber Creek was a running stream testified to having his horses sink in quagmires after taking a stratum of gravel away, would that change your judgment?

The CHAIRMAN. That is not a fair hypothetical question, as the witness did not testify to the state of facts set forth in your question. He testified on one occasion that when he was removing gravel, which was carried in there as *detritus*, he found underneath it soft earth; but there is no testimony such as is indicated in your question by any reliable witness. I do not object to your asking hypothetical questions based on actual testimony.

Mr. ALLAN. I have here the testimony upon which my question is based. It was given by Dennis Fitzgerald, and is on page 45 of the record:

> I also ran material out of the creek several years myself, and on one occasion I found in the bed of this creek a spring containing quicksand. I had worked it several times before, and had never struck such a place; but one day I was plowing there and was surprised to see one of the horses stuck in the quicksand in the bottom.

The CHAIRMAN. Your hypothetical question is not based on the testimony, and is therefore improper. You should base your question upon the entire testimony of the witness. In the course of Mr. Fitzgerald's examination it was shown that the gravel which he was taking out was not a natural stratum of gravel, but that it had been carried down by the high water in the creek, and in plowing this gravel he went through to the soft bottom of the creek and his team got stuck.

Mr. SHELLABARGER. His horse got stuck in the mud, in the bottom of the creek.

By Mr. ALLAN:

Q. You have heard the testimony of Mr. Fitzgerald, which I read. Does that tend in any degree to change the judgment you have expressed?

Mr. THOMAS. There is no basis whatever for the question.

The WITNESS. I do not think it does. What a man says as to the condition of this piece of ground when he was a boy, 40 or 50 years ago, I do not think would change my judgment of anything I saw there in the latter part of January.

The CHAIRMAN. Mr. Allan, I think it fair to state here that there is no testimony by any witness showing that such a condition as that intimated in your question existed on this half square. There is the testimony of this witness that in plowing in the bed of this creek his horse went through into the soft earth, but whether that occurred on the east half or the west half of the square does not appear. Unless you give this witness, who is an expert, the entire testimony of the witness Fitzgerald, you hardly give him a basis upon which he can answer a hypothetical question of that sort. Expert testimony that is to be based upon the testimony of other witnesses, should be based upon the entire testimony of those witnesses, and not upon isolated parts of it.

Mr. ALLAN. I did not desire to detain the committee by reading the entire testimony.

The CHAIRMAN. And the committee will not be so detained. You have had your experts here and they have heard these witnesses, and should have been prepared to answer them.

Mr. ALLAN. I would be glad if the chairman would examine this witness upon the testimony of Andrew Gleeson.

The CHAIRMAN. State what questions you desire to have asked and the committee will consider them. The difficulty with that method of examination is that it opens the way to a long and tedious hearing. If the committee permits you to do this the other side might insist upon doing the same.

Mr. ALLAN. I would like to suggest that up to this time we have had very little opportunity of examining any witnesses except those introduced on the part of the owners of the proposed site. We have had witnesses here——

The CHAIRMAN. It is your own fault in not having witnesses here.

Mr. ALLAN. There are two here now.

The CHAIRMAN. And they will be examined now, if you do not insist upon improper methods of examination.

Mr. ALLAN. Every time there has been a hearing here it has commenced by examining witnesses introduced on behalf of the owners of this property, and on several occasions our witnesses have gone away without testifying.

The CHAIRMAN. Is that the fault of the committee? Do you not remember that we have waited here on one or two occasions for your witnesses?

Mr. ALLAN. Yes, sir; I remember that.

The CHAIRMAN. We have given you to day, and all we ask is that you confine yourselves within reasonable limits as to time and proper rules of examination.

Mr. ALLAN. We have done that; and more than that, I suggested that the chairman, who heard the testimony of Mr. Gleeson——

The CHAIRMAN. The chairman has asked all the questions he proposes to ask. You can ask this witness anything you desire.

By Mr. ALLAN:

Q. Are you acquainted with Andrew Gleeson?—A. I know him.

Q. Mr. Andrew Gleeson has testified that for the first 6 years of his residence in Washington, commencing 38 years ago, he lived upon Tiber Creek, in this locality, and that from his knowledge and experience as to the locality "it would cost twice as much to get a good foundation there as it would where you had solid ground, probably three times as much, and then you would not get a good one." When he speaks thus, from his knowledge and experience of the locality before

the lot was filled in, do you still think that your judgment, from the examination you made, is a correct one?—A. I do.

By Mr. SYPHER:

Q. Mr. Morrison, would you understand what I meant if I asked you this question: What is the swale of Tiber Creek? Do you comprehend what I mean?—A. I do not know that I do, exactly.

Q. (After explaining the meaning of the word "swale.") In view of the explanation I have given as to what the swale of Tiber Creek is, would you recommend the construction of a building of the weight and dimensions of the Washington Loan and Trust Company's building upon the swale of Tiber Creek?—A. Knowing what I do now, in view of the fact that that building is completed almost to the top of it, without a crack making its appearance in the walls, I think I would, taking into consideration your statement that the swale went as far as G street, which is one square above where I am constructing that building.

Q. The swale of Tiber Creek has nothing to do with the location at Ninth and F streets. The swale of Tiber Creek runs through that depression of ground up to G and North Capitol streets. It is between the Potomac River and G or H streets, covering the territory where they propose to erect this building.—A. It is hard for me to answer that question, because I do not know what kind of a foundation there is under what you call the swale of the creek. I do not know whether it is solid or not.

TESTIMONY OF THOMAS W. SMITH—Recalled.

THOMAS W. SMITH, recalled and examined.

By the CHAIRMAN:

Q. What do you desire to present, Mr. Smith?—A. Since my last examination two of the pits testified about therein have been sunk by well-diggers to a depth of 16 feet.

Q. Below what?—A. Below the present surface, and nothing but gravel was found throughout that depth. We dug this pit in the southwest corner to a depth of 16 feet [indicating on Plat E], and we dug a pit just north of the one in the southeast corner [indicating on Plat E].

Q. You dug a new pit there?—A. Yes, sir; right there. [Witness indicates location of new pit by pencil mark.] I wish also to testify that I was familiar with Tiber Creek before it was covered over with the present arch, and I noticed the rise of the tide in the creek for many years, and I never saw the tide rise higher on the land than the north side of Indiana avenue.

Q. How far is that from this proposed site?—A. That is about a quarter of a mile from the square that we are now testifying about.

Q. So there has never been any swale of the tide through this block?—A. I deny that the tide ever rose up to G street, or even to F street north.

By Mr. SHELLABARGER:

Q. How deep did you sink the last hole you spoke of, at the southeast corner of the square?—A. Sixteen feet from the present surface, and finding nothing but gravel for a distance of 7 feet, we told the men not to dig any farther. We supposed that a 7-foot bed of gravel would be sufficient to put any foundation on.

TESTIMONY OF N. T. HALLER.

N. T. HALLER, sworn and examined.

By the CHAIRMAN:

Q. Are you a resident of Washington?—A. Yes, sir.

Q. How long have you resided here?—A. For the last 16 years.

Q. What is your business?—A. I am an architect.

Q. How long have you been an architect?—A. For myself, 10 years. Previous to that I was engaged in the building business.

Q. Have you had any connection, as architect, or superintendent, or builder, with the erection of any large buildings in Washington?—A. Yes, sir.

Q. What was the character of those buildings?—A. They were principally large dwellings and storehouses.

Q. Have you constructed any of the large public buildings or manufacturing establisments?—A. No, sir.

Q. Are you familiar with the west half of square 678, known as the baseball ground?—A. Yes, sir; somewhat.

Q. What is the extent of your familiarity with it?—A. I have known it for the past 8 years.

Q. That is, since the ground was filled?—A. No, sir; before it was all filled. When I became acquainted with it it had not been filled yet toward the center and over toward the railroad.

Q. Did you live near it?—A. I did not; but I had a friend who lived on the opposite side of the railroad, and I visited him very often.

Q. Did you cross this square in going to see him?—A. No, sir; I went out G street.

Q. Have you examined the test pits that have been dug?—A. No, sir.

Q. When were you last on the baseball ground?—A. I have not been inside the inclosure for several years. I have been there, just outside of the fence, within the last week.

Q. What would you say as to the capability of this ground to afford a good footing for the foundation of a heavy building?—A. A great deal of my knowledge I got from the District charts.

Q. Have you those charts with you?—A. I have a little data which I prepared for my own convenience. If you will permit me to look at my memorandum I can give you the figures which I have.

Q. You can consult it.—A. (Producing paper.) I find that the sewer is about 11 feet below the ground.

Q. What sewer?—A. The Tiber Creek sewer.

Q. What do you call the "Tiber Creek sewer?"—A. The sewer that runs through the square. It strikes the corner of the square.

Q. What sewer is this that runs through the whole of this square [indicating on Plat C]?—A. That is the same one, the one that I call the Tiber Creek sewer.

Q. What is its dimensions?—A. I did not obtain its dimensions, but I think it is about 8 feet.

Q. Do you mean that the alley sewer is 8 feet?—A. No, sir; the alley sewer is a small sewer.

Q. That is a pipe sewer?—A. Yes, sir.

Q. Had you any connection with the construction of these sewers?—A. No, sir.

Q. So the testimony you propose to give is what you have extracted rom the official records?—A. Yes, sir; and what I know of the square.

Q. *You take* your information as to the sewers entirely fron the Dis-

trict charts?—A. Yes, sir. They give the depth of the sewer as about 11 feet.

The CHAIRMAN. Of course the best testimony on that point is the charts themselves; but you can go on with your testimony.

Mr. SYPHER. We should be glad if the committee would call for those charts.

The CHAIRMAN. We will examine this witness now.

The WITNESS. To the best of my knowledge, when I first knew the square it was about 15 feet below the present surface on the railroad side. It was being filled in then.

Q. What do you mean by the "railroad side?"—A. The east side.

Q. Do you mean here [indicating on plat C] on the east side of the square?—A. Does this plat show the railroad?

Q. The railroad is on Delaware avenue, about here [indicating].—A. I have reference to the ground right in here [indicating].

Q. That is to the east of the east half of the block.—A. Yes, sir.

Q. Do you know which part of block 678 it is proposed to take for the Government Printing Office?—A. No, sir; I do not.

Q. It is the west half of the block.—A. Yes, sir.

Q. Confining yourself to the west half of the block, you can go on and state what you know as to its capacity for foundation purposes.—A. I find, taking into consideration the height of the tide as shown by the district charts, that you would have to go down about 25 feet.

Q. You would have to go down 25 feet for what purpose?—A. To get a good foundation, to get through the muck, etc., and then the foundation would have to be cofferdammed in order to protect it from the ebb and flow of the tide.

Q. And you say this, Mr. Haller, in view of the fact that you have not been on the ground for years, and that you have not been to examine the numerous test pits that have been dug?—A. I have not been there to examine the pits.

Q. Suppose the fact to be that these test pits, six or seven in number, have been sunk to the original surface of the earth, below all fills, and have there struck gravel; that experts, such as Mr. Entwistle, superintendent of buildings of the District; Mr. Green, superintendent of the Library Building; Mr. McComb, superintendent of sewers of the District, and Mr. Clark, the Architect of the Capitol, say that from their examination of these test pits and their knowledge of the former conditions of this lot as to Tiber Creek, it would afford a good foundation at 12 feet, would you still say it would be necessary to go down 25 feet for a foundation?—A. Yes, sir.

Q. And you would say so, notwithstanding the fact that there is no evidence from any source that there is any muck on this half block?—A. When I saw the west half of the square 8 years ago it was down about 15 feet on the east side, being filled.

Q. Do you mean on the east side of the west half of the square?—A. n the east side of the whole square.

Q. On the east side of the east half of the block?—A. Yes, sir.

Q. That is off here [indicating on plat C]. That is not the ground we are talking about.—A. The ravine, to the best of my knowledge, ran about where this little street runs through there now.

Q. You mean the alley that runs through the block?—A. Yes, sir.

Q. Did the ravine extend to the west of where the alley is now?—A. It ran from that point [indicating] over to North Capitol street.

Q. Where was this muck that you speak of?—A. Down along there [indicating on plat C].

Q. On the east half of the block?—A. Yes, sir.

Q. Not on the baseball ground?—A. No, sir; not on the baseball ground; but it ran up close to that. From my experience of the past 3 years I am inclined to think that the gravel under that square is made ground. At Tenth street and Grant Place two years and a half ago we dug down 10 feet and got to gravel, but we found on investigation that it was made ground. There are very many places in the city filled with gravel as well as with rubbish. We went 30 feet to get——

Q. Suppose the testimony in this case to be that the gravel found there is the original soil, then your testimony would be without foundation, would it not?—A. I do not see how they can get a foundation there under 25 feet. I think the square where they propose to build——

Q. Give the reasons for your conclusion that you could not get a foundation under 25 feet?—A. On account of the tide for one thing.

Q. Did you ever see the tide come up onto this ground?—A. No, sir; but I have heard of it.

Q. From whom have you heard that?—A. From parties living in the neighborhood.

Q. Did they tell you what was the rise and fall of the tide on Tiber Creek at that time?—A. They told me that at times it would reach G street.

Q. Did they tell you that the tide from the Potomac would at times reach G street?—A. That is, it would back up the sewer, you know.

Q. I was asking you about the rise and fall of the tide in the old Tiber Creek. Did you ever hear of such a thing as the rise and fall of the tide in Tiber Creek in that locality?—A. It would back up to that locality.

Q. Do you say that of your own knowledge?—A. Well, not altogether; no, sir.

Q. Do you say that at all of your own knowledge?—A. To my own knowledge I know of it backing up to Indiana avenue, and I have heard of it backing up to G street.

Q. I am speaking of this block. Did you ever see the tide back up in Tiber Creek on to this ground in question?—A. No, sir, I never did.

Q. On what else do you base your opinion that it would be necessary to go to a depth of 25 feet to get a good foundation?—A. On account of the immense building they would have to put there and the powerful machinery they would put into it.

Q. What is the defect in that ground?—A. The muck.

Q. Where is the muck situated with reference to the west half of square 678?—A. It is supposed to be all under it, wherever there was a ravine. That whole square was at one time in a ravine.

Q. Are you aware of the fact that they cut down one side of this block when they came to fill the other part of it?—A. No, sir; but I know I am having an excavation made on the west side of that street now, and——

Q. Do you not think it would have been well, Mr. Haller, as an expert architect, intending to give testimony before this committee for the information of Congress, for you to have gone upon the premises and examined these test pits which were dug under the supervision of other expert architects and builders?—A. I was not asked to do that.

Q. Do you not think it would have been better, and do you not think your testimony would have been more valuable, if you had informed yourself on the subject before coming here to testify as an expert?—A.

I do not think I could give any better testimony than I found on the chart.

Q. What do the charts tell you that makes you think this would be a poor foundation?—A. They give me the elevation of all the streets above tide water.

Q. Do you know of the existence of any flaw in the foundation of the present Government Printing Office, with its heavy machinery?—A. No, I do not know as I do. That is a building that is pretty well ironed up, and I do not think it has machinery in it anything like as heavy as the Government contemplates putting into the new building.

Mr. ALLAN. I would like to have the witness refer more particularly to the charts and give the memorandum that he has taken from them, upon which he bases the opinion that he has just given.

The CHAIRMAN. He can make his statement, but the charts themselves are the best evidence of the facts they contain. This can go for what it is worth.

Mr. THOMAS. The charts from which the witness has taken his memorandum are here, having been submitted by Mr. McComb.

Mr. ALLAN. If the charts are in evidence, there is no necessity for us to submit anything on that point.

By the CHAIRMAN:

Q. Does this plat [Plat C] give the information contained in your memorandum?—A. No, sir.

Q. What else is there besides what is on this chart?—A. I went to the District building and got their figures from their charts, and then went to my office and made my calculations.

Q. What did you find in the District building other than this, which is taken from the plats in the District building? If there is a valuable chart there which we have not seen, the committee would like to have it. What did you find there?—A. I found that the sewer, from the bottom to the surface, is 11 feet.

Q. Which sewer?—A. This small sewer we are speaking of.

Q. On F street?—A. Yes, sir.

Q. It is given on this plat [Plat C], which is an exact copy of the original, certified and sworn to, as 12½ feet.—A. I do not doubt the correctness of that plat. I find, according to my calculations, that in constructing the sewer from that point [indicating] down to this point [indicating], they had to bring it to a certain grade, and that necessitated filling below the sewer here [indicating].

Q. You think they had to fill in constructing that sewer, and built it on top of the ground?—A. Yes, sir.

Q. Now, if the testimony of those who constructed the sewer was to the effect that they dug for the sewer and did no filling, you would be surprised, would you not?—A. I would, indeed.

Mr. SHELLABARGER. Has the witness so identified the plat that he used that there will be no mistake about which one he used?

The CHAIRMAN. I do not think he has. I do not know what one he refers to.

Mr. SHELLABARGER. We would like to know what chart he made his memorandum from.

The WITNESS. I got my memorandum from the superintendent of the engineer department.

By Mr. SHELLABARGER:

Q. That does not describe the map. How was the map marked?—A. He gave me the figures *on all the points* on which I desired information.

for the elevations of the different points, the depths of the sewers, the like, and then made my own calculations.

By Mr. SYPHER:

Q. Did you examine the cost of building that sewer on North C tol street, or do you know anything in regard to the cost of build that Tiber Creek sewer?—A. No, sir; I do not know anything about cost of building that sewer.

Q. Do you know whether the District was put to any extra expense whether any extra amounts were paid by the District for the const tion of that sewer on account of the unforseen difficulties arising f encountering sand pits and sink holes in that locality?—A. I h heard it stated——

The CHAIRMAN. Do not say what you have heard. Let us keep record as free as possible from testimony of this sort.

The WITNESS. I do not know anything about it of my own kn edge.

Mr. SYPHER. I have it from Major Roome that the extra expens constructing that sewer on account of quicksands was $54,000, and would like to have the committee call Major Roome to testify on t point.

The CHAIRMAN. You can call him.

Mr. SYPHER. We can not get him here. We ask the committe call him.

TESTIMONY OF WILLIAM A. TENLY.

WILLIAM A. TENLY sworn and examined:

By the CHAIRMAN:

Q. Where do you reside?—A. I live in Washington.

Q. What is your business?—A. General contractor, well-digging,

Q. You knew it, then, before it was filled, and have known it since?—A. Yes, sir.

Q. State what you know of the character of the soil on the west half of block 678, which is now known as the base-ball ground.—A. At the northwest corner the ground was always high, and it sloped down toward the southeast corner ten or twelve feet, I guess.

Q. There was a gradual slant?—A. Yes, sir; a gradual slanting of the surface. I put sewers in there, on G, H, and I streets.

Q. What was the character of the soil from the west side of the square down to the southeast corner before the fill was made?—A. I could not answer that question exactly; I never dug there except in the street.

Q. I have reference to the surface. Was it a grassy surface?—A. No, sir; it was filled in.

Q. I mean before it was filled.—A. I never saw the ground, to my knowledge, before it was filled. I might have seen it, but I never took any notice of it.

Q. So that your knowledge of it began after they commenced to fill it?—A. Yes, sir. I never thought I would be brought up to testify about it, or I would have noticed it more particularly.

Q. Do you remember as to where Tiber Creek ran with reference to the west half of block 678?—A. I think it entered about the center of the square and ran in a southeasterly direction, and after it passed F street it curved around toward the Baltimore and Ohio depot.

Q. I want to know where it ran with reference to the west half of the square.—A. It commenced about half way of the square and ran in a southeasterly direction.

Q. Did it run through the west half of the square at all?—A. No, sir; it did not run in that half of the square; it ran just about in the center of the whole square. My idea is that the creek ran through here [indicating on Plat C].

Q. Then it did not touch the west half of the square?—A. No, sir; it ran just through the center of the square.

By Mr. SHELLABARGER:

Q. It ran to the eastward and southward?—A. Yes, sir; I used to live up here on the creek [indicating] and was familiar with it.

By the CHAIRMAN:

Q. And you think it did not cross the west half of the square at all?—A. No, sir; I do not think it did. I recollect of playing on that stream.

Q. Go on with your statement as to the character of the ground on the west half of the square.—A. I do not know anything about the character of the ground on the west half of the square. All I know about the character of the ground is what I learned in putting in sewers on G street.

Q. Do you not mean on F street?—A. No, sir; on G street.

Q. Is there a sewer on G street?—A. Yes, sir; on the north side of street.

Q. That is a pipe sewer?—A. Yes, sir.

Q. What did you ascertain in digging for that pipe sewer?—A. I found clay and gravel.

Q. At what depth?—A. I think it was 10 or 11 feet; 10½ feet, or something like that.

Q. Did you find any quicksands in digging there?—A. No, sir; I never ran across any. The gravel would cave in at the bottom, but I never ran across any quicksands.

Q. Did you ever discover any muck, or deposits of that sort?—A No, sir.

Q. And that was on G street, parallel with the north line of this square?—A. Yes, sir.

Q. Have you had experience enough to be able to advise the committee as to whether the west half of this square would probably afford a safe foundation for a large building with exceptionally heavy machinery?—A. You can generally make any ground suitable for a heavy building if you expend enough money on the foundation.

Q. I am speaking about this particular piece of ground. Do you think a good foundation could be secured there without going to extraordinary expense?—A. I could not tell, because I do not know the nature of the ground.

Q. Have you examined the test pits that have been dug on this ground?—A. No, sir; I have not been inside the baseball ground for two years.

Q. You spoke of the gravel caving in at a depth of 10 feet, I think, when you were digging for this pipe sewer.—A. Ten feet or 10 feet 6 inches.

Q. What was the nature of this caving in?—A. The gravel would crumble from the walls near the bottom.

Q. That is the nature of loose gravel?—A. Yes, sir. It was not clay gravel, but was the same kind of gravel you find in a wash. There was no clay in it at all. It might have been washed in there during the course of years.

Q. Have you any idea as to whether the creek ever ran along there where you dug that sewer?—A. No, sir.

Q. There was no evidence of the creek having run through there?—A. Only where the sewer emptied into the creek.

The CHAIRMAN. Mr. Allan, do you want to produce any more witnesses?

Mr. ALLAN. Yes, sir.

The CHAIRMAN. You said you wanted to produce four witnesses, and you have produced two.

Mr. ALLAN. The reason I have no more witnesses here is that I was in Richmond when I received the notification from the committee of this meeting, and did not have time to secure the attendance of others whom I desire to have heard.

The CHAIRMAN. I was strongly in hopes we might close the testimony this morning. How many more witnesses do you want to examine?

Mr. ALLAN. We would like to have General Meigs and Major Roome appear before the committee.

Mr. SYPHER. And we would like to have Mr. Edward Clark, the architect of the Capitol, called. I do not think we can get him without an order from the committee.

The CHAIRMAN. The committee, under the resolution of the Senate, has no power to summon witnesses before it.

Mr. SYPHER. I think a request from the committee would bring Mr. Clark here. I would also join in Mr. Allan's request to have General Meigs come before the committee. I think he is one of the most important witnesses you could possibly find.

The CHAIRMAN. Has he made an examination of this ground?

Mr. SYPHER. Yes, sir; he is a man of vast experience, and I think his testimony would be worth more to the committee than all the other testimony that has been given here.

The CHAIRMAN. We have no power to call for witnesses, and there-

fore have pursued the course we have, and allowed you gentlemen to bring your witnesses before the committee. However, the committee will request the gentlemen you have named to appear here on Wednesday morning.

Adjourned to meet at 10 o'clock a. m., February 11, 1891.

WASHINGTON, D. C., *February* 11, 1891.

Committee met pursuant to adjournment.

Present, Mr. Manderson (chairman); also the Public Printer, Samuel Shellabarger, esq., S. T. Thomas, esq., J. H. Sypher, esq., Edgar Allan, esq., Mr. Thomas Smith, and others.

TESTIMONY OF MONTGOMERY C. MEIGS.

MONTGOMERY C. MEIGS sworn and examined.

By the CHAIRMAN:

Q. General Meigs, of course, we understand your residence to be in Washington at this time?—A. Yes, sir.

Q. And you have had large experience in the superintendence of the construction of large buildings?—A. Yes, sir; I have had a good deal of experience in that direction.

Q. Among other large buildings, I understand you superintended the construction of the Pension Building in this city?—A. Yes, sir.

Q. Have you superintended the construction of any other large buildings in this city?—A. The one we are now in—the wings of the Capitol, and the general Post-Office.

Q. Have you any knowledge of what is known as the baseball ground, which is situated on the west half of block 678 in the city of Washington?—A. Only a general acquaintance from living here many years and passing in sight of it.

Q. Have you made any examination of it?—A. I rode around there yesterday after I was called to appear here.

Q. Did you go in and look at the test pits that have been dug?—A. I did not.

Q. Have you any knowledge of the locality or of the ground that would warrant you in giving an opinion, as an expert, as to the probability of finding a good footing there for the foundation of a heavy building?—A. I have looked over the contour maps of the city and observed the height of this square above tide, which makes me think it is above all danger of finding the marshy, compressible earth that you would find down in the lower valley of Tiber Creek, south of Pennsylvania avenue and on B street. I think, from what I saw in the neighborhood and from what I remember, that it must be very much the kind of soil that prevails all over the northern part of the city. It is what the geologists call "drift," having been brought here by the action of water or ice. I think in almost any part of this town you are liable, if you bore deep enough, to find a deposit of gravel or sand, and if that sand has an outlet or is exposed to a current of water that can stir it up and wash it away, it becomes a quicksand. I think that is the explanation of what I read in the testimony in regard to the difficulties they had in the 20-foot sewer on North Capitol street. They got down into a stratum of gravel and sand such as was found, I think, in some of those

test pits; some of those reached gravel, and one I think, reached sand. If that sand is stirred up by water, it becomes troublesome. Still, there is nothing that will resist downright pressure better than sand. It is much less compressible than clay. From what I saw there, and from what I remember of the ground, I would not hesitate to put up a heavy building there, with every confidence that it would stand.

Q. Where sand is found in pockets, or even in strata, the question as to whether it would afford a good foundation or support depends, as I understand you, upon whether water is allowed to percolate through it; in other words, whether there is anything that will destroy its compactness and take away the lateral pressure?—A. Yes, sir; or anything that will cause it to wash away. I dug a ditch 16 miles long, from Great Falls along the flanks of the hills into the city, and in only one place did I come in contact with quicksand. I dug across all the streams that flow into the Potomac from the north side, and dug in the bottom of each until I found a good footing to lay the foundation under the Washington Aqueduct. I never had any trouble until we got this side of the receiving reservoir. Between that and Georgetown, in digging a trench for pipes, we had a great deal of trouble for a space of 50 or 60 yards with quicksands, which, not anticipating, I had not provided against. If I had known it was to be found there I would have built sheeting piles at that particular spot to keep the sand from falling in; but we did not know it until we began to put our pipes in, and we had to put the pipes in by sheer strength and perseverance. The place can be seen now. I never pass there that it does not bring to mind the trouble I had there. In digging down to put in the pipes we undermined the ground above us so that a space of 50 or 60 yards sunk 2 or 3 feet. The sand underneath all flowed out. That is the way quicksand acts. Until we disturbed it and gave it an outlet it was as good a foundation as any other material.

Q. And you think that was the cause of the trouble in constructing the sewer under North Capitol street?—A. Yes, sir; they got into that sand.

Q. And having disturbed it and allowed water to run in, that caused the difficulty?—A. Yes, sir; there is a stratum of gravel under most of the northern part of the city. I do not suppose it is a continuous stratum, but it appears in pockets at different places. About 20 feet below the cellar floor of the house where I live there is a stratum of this saturated gravel or sand. I inferred it was there and dug what is called a "dry well," a drainage well, in the cellar. The water stands 15 or 16 feet below the bottom of the cellar, and by filling the well with brick-bats and the like it furnishes drainage for the cellar. The water goes in the well and disappears. That same stratum—I do not say it is a uniform stratum—shows itself in the southeast corner of Franklin Square, where there is a spring of water that they talk of taking to the White House. There used to be a running hydrant at the corner of Fourteenth street and New York avenue from which, in the early days, before I finished the Aqueduct and brought in Potomac water, my family was supplied with water, and there are other places where the same stratum shows itself. The Smith spring, out in the bed of the reservoir, I think gets its supply from that same stratum of sand and gravel. So you can not be sure, if you dig deep enough any place in this part of the city, that you will not find sand, and if you stir it up you get a quicksand; but along the Avenue and F and G streets they do not seem to have any trouble with the foundations of their large buildings. We had no trouble with the Pension Building.

Q. You went to great depth at the Pension Building for a foundation, did you not?—A. About 20 feet, in places. That was to get to the bottom of a ravine which had been filled.

Q. There had been a ravine there, then?—A. Yes, sir; quite a wide ravine, which was clean and dry at the bottom. It was the track of a water course, and during heavy rains a good deal of water ran through it.

Q. As I understand, you have examined the contour maps, as they are termed, in the District offices, and you have also read the testimony that has been given before the committee?—A. Yes, sir.

Q. And you have the knowledge you speak of concerning this locality?—A. Yes, sir.

Q. Now on that basis, what do you say, as an expert, in answer to this question: Would it be necessary, in obtaining a good foundation for a heavy building, carrying machinery such as the Government Printing Office would require, to go to any extraordinary expense or take extraordinary precautions?—A. I think not.

Q. What would you say, as an expert, as to the character of the explorations that have been made there? Suppose six or seven test pits had been dug down to the original surface, and then down into the gravel for a foot or two, would you consider that a sufficient exploration to warrant an architect in saying that ground would afford a good foundation for a building such as I have described?—A. I think so.

Q. And you say this in view of the fact that in former times Tiber Creek flowed across the southeast corner of this half square?—A. Yes, sir. The small stream that flowed under the Pension Building now flows through a sewer not more than 6 or 8 feet in diameter. I am not positive as to the size of that sewer, but it crosses under the southwest corner of the building.

Q. It runs under the building?—A. Yes, sir; and is used as the drain of the building. That is a similar case to this.

By Mr. SYPHER:

Q. What is the difference between the elevation of the location of the Pension Building and the square where it is proposed to build the new Printing Office?—A. The surface of the square at the Pension Office is about 42½ feet above datum. I have some notes which I made from the map of this proposed site, and I will refer to them, as I do not like to trust to memory for figures. The grade of the street at G and North Capitol streets, which is the northwest corner of block 678, is 25¼ feet above datum; at the corner of G and First streets it is 26 feet; at the corner of North Capitol and E streets, which is southwest of this block, it is 20 feet, and at the corner of F street and First street east it is 23.6 feet, which would make an average of about 24 feet above tide for the west half of that square.

Q. If I comprehended your testimony as you gave it after I came in, you confirmed what is known as the geological survey of this District, which has been published, as to the layers or strata of earth and the location of the gravel which you found when you constructed the foundation to the Pension Building, which you also say lies under your own residence; that is, that there is first a stratum of loam or earth, then gravel, then sand or mud, and below that, at a great depth, rock.—A. I have not seen any geological survey of this neighborhood.

Q. There is a geological survey made and published.—A. I have never seen it. My experience is that on the surface, where there is any vegetable soil, there is loam; but that has all gone from

here. It is the same clay that prevails about this building and on Capitol Hill—yellowish clay, which stands well and makes a good wall when you dig for cellars. In that clay, at various depths, you are apt to find beds or pits of gravel, and below this I understand they find sand, although I have never found any. When I was put in charge of this building I was directed to examine into the foundations, and I dug down at the southeast corner of this wing, which is right under the room we are now in. I understood the walls were founded on a bed of gravel, and I found gravel at this southeast corner. After digging through it 2 or 3 feet we found clay again, the ordinary drift. You are apt to find that anywhere, and may find a bed of sand, but I do not think it extends everywhere throughout this section of the city.

Q. The Geological Survey says that this bed of gravel underlying the formation of the District, which they call the Columbia formation—that being the technical designation—is from 1 to 20 feet in depth. That being true, do you think a prudent business man or a careful Government official would undertake or recommend the construction of a large building upon that bed of gravel, which he discovered at a depth of 6 or 10 feet below the surface, without going through that bed of gravel to ascertain how deep it was and what there was under it?—A. Since the question has been raised, perhaps, if I was going to put up this building, I would dig a well or bore a hole to see what there is underneath; but I am satisfied in my own mind as to what I would find. I think that ground is safe for a heavy building. My experience indicates that. The Pension Building and the north and south wings of the Capitol are built on the drift.

The CHAIRMAN. Mr. Sypher, do you wish to leave your question as you put it—that under this gravel there is mud?

Mr. SYPHER. Yes, sir; that is what the geological reports call it. They term it "glacial mud."

The CHAIRMAN. To the common mind that carries rather an erroneous idea. Of course, we know that what is called "glacial mud" among geologists is not mud in the common acceptation of the word "mud."

By Mr. SYPHER:

Q. From your knowledge, general, is this bed of gravel which is found, or supposed to be found, under this city, of sufficient thickness to warrant the construction of a heavy building upon it without boring through it to ascertain how thick it is?—A. Of course I do not know how thick it is there, and since the question has been raised and investigated by the committee, if I had charge of the construction of that building, I think I would dig a well there. It would do no harm, and would cost very little.

By the CHAIRMAN:

Q. In digging this well, if you were to find this glacial mud that has been spoken of, or if you were to find sand, would you hesitate to go on and put up your building?—A. I would be satisfied with sand.

By Mr. ALLAN:

Q. I would like to ask you whether if the superintendent for the board of public works, who had charge of the building of the sewer on North Capitol street, which skirts the site in controversy, should testify from his observation while constructing the sewers in that locality that the proposed site was entirely unfitted for a large public building because *the ground* was treacherous and was conclusively shown to be treach-

erous by the erection of these sewers in the vicinity of Tiber Creek, you would then consider it safe to determine upon the location of the proposed public building upon that site without going through the stratum of gravel to see at what depth similar treacherous surroundings would be discovered.

The CHAIRMAN. What witness gave the testimony from which you have quoted?

Mr. ALLAN. Mr. Whitaker, and it will be found on page 81 of the record.

The WITNESS. I do not think the stratum which he describes, and which I am familiar with, indicates any danger of the settlement of any building that might be placed there. I think he is mistaken in his inferences. I have no doubt he describes what he saw; but my judgment does not agree with his as to the danger arising from that. In my opinion it is the mud that comes from the Potomac River, the deposit of mud and rubbish, clay and loam, which has been accumulating for a hundred years along the valley of the Potomac that makes a dangerous foundation. The vegetable matter that is washed down gets mixed with the soil, and makes such a foundation as you would find on the flats, where you can drive a pile 60 feet without finding solid resistance.

By the CHAIRMAN:

Q. Suppose the witness to whom reference is made—who is Mr. Whitaker, and who was the inspector of this sewer—also testified that his profession was that of a patent and pension attorney; that he had never had any experience as an architect or builder; that he was not an engineer, and did not claim to have expert knowledge, and that he was not familiar with what is known as "lateral pressure;" would the statement of such a witness as that, that he did not think this lot would carry a heavy building, have much weight in your mind?—A. I think not.

Q. Did you read his testimony?—A. Yes, sir; very carefully. You sent it to me, and having read all of the testimony, I speak as I do.

TESTIMONY OF EDWARD CLARK.

EDWARD CLARK sworn and examined:

By the CHAIRMAN:

Q. You are the Architect of the Capitol?—A. Yes, sir.

Q. And have been such for how many years?—A. Since 1865.

Q. For what length of time have you been practicing your profession as architect?—A. Forty years.

Q. And how long in the District of Columbia?—A. For the same period.

Q. Are you familiar with the proposed site of the new Government Printing Office?—A. Yes, sir.

Q. How long have you known it?—A. I suppose for 20 years.

Q. You were one of the Commission created by act of Congress to select a site for the Government Printing Office, were you not?—A. Yes, sir.

Q Did you, in the exercise of your duty as one of that Commission, make a special examination of this site with a view of determining whether it was of a character such as would support a large building with heavy machinery?—A. I did, sir. The holders of the property,

at the request of the Commission, dug certain pits, and I examined those, and my impression is that at an average depth of 10 feet a secure foundation could be obtained.

Q. Have you read the testimony that has been brought before the committee?—A. I have not. I have only read fragments of it.

Q. Would it be necessary, in your opinion, to go to any extraordinary expense or take extra precautions to obtain a footing or foundation for a building such as is required?—A. I think not. I have had some experience, in building the North Capitol street front of the present printing office building. The foundation there is somewhat similar to that which you find on this baseball ground, except the stratum of sand is not so deep below the surface. There has been a fill at the baseball ground. The present Government Printing Office, although built on that sand, has stood without any apparent settlement.

Q. As I understand, you made no special examination of the test pits?—A. I examined them.

Q. Were they sufficient in number, and did they go to a sufficient depth to give you the information you would desire as an architect?—A. Yes, sir; there was one on each corner and one in the center.

Q. Were they sufficient in number and depth to answer your purposes as an expert?—A. Yes, sir; with my knowledge of the foundation of the present Printing Office.

By Mr. SYPHER:

Q. Mr. Clark, I read from the report submitted by the Commission appointed to select this site, beginning on page 15, four reasons why you made this selection:

First. Because they believed the public interest would be served by selecting, if possible, a site adjoining or adjacent to the present Government Printing Office.

Second. Because facilities for prompt communication between the Capitol, the several Executive and Judicial Departments, and the Government Printing Office require that the latter shall be at as short a distance from all of the former as possible.

Third. That the property to be purchased should be of such increased area in comparison with the site of the present building as would meet the requirements of this branch of the Government service for the present and a reasonable period in the future.

Fourth. Because the land selected is nearer to all railroad and steamboat lines than the site of the present building, and would thus diminish time and expense in freight transportation.

Those are the reasons you gave for the selection.—A. Yes, sir.

Q. Did this fourth reason, "Because the land selected is nearer to all railroad and steamboat lines than the site of the present building," have much weight with the Commission?—A. No, sir; but that was a competent reason. It was a square nearer.

Q. Do you know what proportion of the material that is brought into the Government Printing Office is brought here by rail?—A. I do not know.

Mr. SYPHER. I think the Public Printer, who is present, could answer that question.

The CHAIRMAN. I do not consider it of any importance. It has nothing to do with this issue. The issue before us is whether this proposed site will afford a proper foundation for a Government building of the character described. That is the scope of the inquiry, and the commission, rather than this committee, is to pass upon that question. They have been delegated by act of Congress to do that, and it is sufficient for us, in obedience to the Senate resolution, to pass upon the question whether a good foundation can be found on this square.

By Mr. SYPHER:

Q. I find in the report of the commission this language:

The commission have taken especial pains to investigate the character of the soil on the tract selected, with reference to its fitness for a foundation for the proposed building, and from all sources of information at their command are convinced that a good foundation may be established thereon at a reasonable cost.

What investigation did the commission make to ascertain whether there was a good foundation there?—A. We inspected the pits after they were dug.

Q. Did the commission order the digging of the pits?—A. They did not.

Q. Is it not a fact that these pits were not dug until after the commission submitted its report?—A. I can not say as to that.

Q. I will read from the testimony, page 8:

Q. When did you make the examination?—A. I think it was two weeks previous to last Saturday.

Q. About three weeks ago?—A. Yes, sir.

Mr. THOMAS. Whose testimony are you reading from?

Mr. SYPHER. I am reading from Mr. McComb's testimony.

Mr. SMITH. The pits were dug before that.

Mr. SYPHER. My impressien is they were dug after that; but we will let that pass.

The CHAIRMAN. I might state for your information, Mr. Sypher, that there were two sets of pits dug, and the later ones were dug after this examination which the commission made.

Mr. SYPHER. I had heard the testimony given before the committee, and I was under the impression there had been no pits dug before this examination.

By Mr. SYPHER:

Q. I find from the report submitted by the commission that they prescribed limits within which they would consider sites, and I find also that within those limits this proposed site is the only vacant square. Did that fact have any influence on the minds of the commission?—A. It being a vacant square, obtainable for this price, and being nearer the Capitol than the ground on which the present Printing Office is situated, influenced the commission in coming to their conclusion.

Q. Did you superintend the construction of the Congressional Conservatory?—A. Yes, sir.

Q. What difficulties did you encounter in making a foundation for that structure?—A. No difficulties at all.

Q. How deep did you go?—A. Four feet.

Q. What did you find at four feet?—A. Soft clay; but that building, you know, has no weight.

Q. I am aware of that. You found clay at 4 feet?—A. Yes, sir; soft clay. There had been a marsh there. The whole place had been filled in.

Q. Did you have to pile any?—A. No, sir.

Q. You also superintended the construction of the Peace Monument, did you not?—A. Yes, sir.

Q. What were the difficulties encountered there?—A. After going down 8 feet, through soft ground and two roadways, we came to a soft, alluvial clay, and we drove piles there to secure a good foundation.

Q. The whole depth that you went down, then, was what?—A. Eight feet.

Q. And then you drove piling?—A. Yes, sir.

Q. Is the Peace Monument located in the valley or swale of the Tiber?—A. I think it is.

Q. Do you believe that a secure foundation for a large structure could be obtained in the valley or the swale of the Tiber anywhere between H street and the Peace Monument without going to an extraordinary depth?—A. Yes, sir. I think the surface at the baseball ground is 12 or 15 feet higher than the site of the Naval Monument. The site of the Naval Monument is soft ground, because the seepage from the Capitol grounds and the Botanical Gardens keeps it soft. The baseball ground is a higher site. I have an instance in mind. A few years ago we put a tower out here, about midway up the Capitol grounds, for an air-shaft, and in digging down there I wanted to obtain a hole, if possible, through which water would seep, and in digging I came to an alluvial stratum in which there was the trunk of a tree. I presume that was the same stratum that extends under this building.

Q. At what depth did you find the trunk of a tree?—A. Twenty feet below the surface.

Q. What did the finding of the trunk of a tree there indicate to you?—A. It indicated alluvial ground.

Q. It indicated that it was made ground?—A. Yes, sir.

Q. How far does that alluvial ground, in your judgment, extend up the valley of the Tiber?—A. I do not know. I have no knowledge on that point at all.

By the CHAIRMAN:

Q. Did you ever hear of an ebb and flow of the tide in the vicinity of block 678?—A. I never did, sir.

Q. What difference is there, if any, between the character of the soil on the west half of block 678 and the soil where the Peace Monument and Conservatory stand?—A. On that block there is, first, the new filling; then there is a stratum of sand 4 or 5 feet thick, and then there is a gravel and clay soil, except in the line of the creek. That is all new filling until you get down to the creek bottom, which is gravel and clay. There could not be an ebbing and flowing of the tide up there because of it being higher than the head of Pennsylvania avenue. Pennsylvania avenue would have to be filled 10 or 12 feet before the tide could flow up to that point.

TESTIMONY OF WILLIAM OSCAR ROOME.

WILLIAM OSCAR ROOME sworn and examined:

By the CHAIRMAN:

Q. What is your place of residence and what is your business?—A I reside at 1317 Corcoran street, and I am now a special assessment clerk under the district government.

Q. How long have you lived in Washington?—A. Since 1874.

Q. Do you know anything about the matter of an alleged extra cost beyond the contract price of the sewer erected on North Capitol street?—A. I had occasion in 1875 in the board of audit to investigate a number of cases of contract relating to work done on the streets, and here is the audit that I made of the work done at that time on that sewer, which was known as the Tiber or main sewer. (Witness produces book.)

Q. That is the sewer that runs up North Capitol street?—A. Yes, sir. Here is a copy of the final voucher, showing the measurements (produces voucher). I could not bring the original of this voucher, but this is a correct copy. The board of audit, I find, made an allowance of $54,444.48 over and above the amount that we found to be due according to the measurement of the work as stipulated by the terms of the contract.

Voucher produced by witness is as follows:

SEWERS.

WASHINGTON, D. C., *December* 17, 1875.

District of Columbia to Bartlett & Williams, Dr.

5 manholes, 16 to 18 feet deep, at $95.04 each	$475.20
1 manhole, 14 to 16 feet deep, at $84.48 each	84.48
1 manhole, 10 to 14 feet deep, at $73.92 each	73.92
4 manholes, over 20 feet deep, at $105.60 each	422.40
18,065 cubic yards excavation, at 77 cents per yard	13,910.05
4,339.07 linear feet of sewer, at $83.65	362,963.20
Total for assessment	377,929.25

I hereby certify that I have carefully examined the field notes and report of John F. Alexander, leveler, who measured and inspected this work, and find the quantities correct.

The work is reported to be well done.

Contract No. 832, North Capitol street sewer northwest, between L and N streets.

December 18, 1875.

S. H. BODFISH,
Assistant Engineer.

Materials furnished upon this or other contracts, see voucher No. 952.

Materials furnished since last report upon contract No. ——:

63 feet of 18-inch straight sewer pipe	$88.20
6 feet of 18 by 12 branch	14.40
	102.60

I certify that the foregoing is a correct account of material furnished, and that the prices charged are the net value of the material at the point where delivered, or in accordance with contract.

December 28, 1875.

E. B. TOWNSEND,
Superintendent of Property.

I have carefully examined the account, and find the price according to contract and the computations correct.

December 28, 1875.

B. OERTLY,
Assistant Engineer.

Approved, subject to future inspection of the work.

January 6, 1876.

B. OERTLY,
Assistant Engineer for Lieut. Engineer, U. S. A., and Engineer for D. C.

Q. What was this extra amount for?—A. It was 15 per cent. on this item for construction of the sewer. Although we allowed $83.65 per lineal foot, they went before the board of audit and claimed an additional allowance by reason of what they called contingent expenses, difficulties, etc., met with by them in the construction of the sewer.

Q. Where did the sewer covered by this contract begin and where did it end?—A. The first section of it commenced at Pennsylvania avenue and ended at E street; the second section was from E street to New York avenue. There was another section that took the east branch of that creek, which had its junction near the intersection of North Capitol

and F streets, went easterly along F street, running slightly to the north of east until it reached G, then continuing northeasterly until it crossed near the intersection of Tenth and H streets, and then going more northerly of east it struck the boundary half a square west of Twelfth street.

Q. Was this extra allowance on all of those sewers?—A. Just upon the distances given there.

Q. From the river to the Boundary?—A. No, sir; from Pennsylvania avenue to New York avenue.

Q. Where does New York avenue cross North Capitol street?—A. At N street.

Q. So this extra allowance was for the large sewer that ran from Pennsylvania avenue to N street on North Capitol?—A. Yes, sir.

Q. Do you know what the distance is?—A. It is 4,339.7 feet.

Q. Do you know what the extra allowance was for?—A. The only information I can get on that point is from this extract from the report of the engineer in charge, which is dated April 30, 1873. They were then building the portion of the sewer between E and G streets on North Capitol. [Witness produces paper.]

Q. Have you the original of that paper?—A. No, sir; it is in the Court of Claims, and they would not let me have it.

Q. Have you copied all of it?—A. Yes, sir. The portion that bears on your question is this:

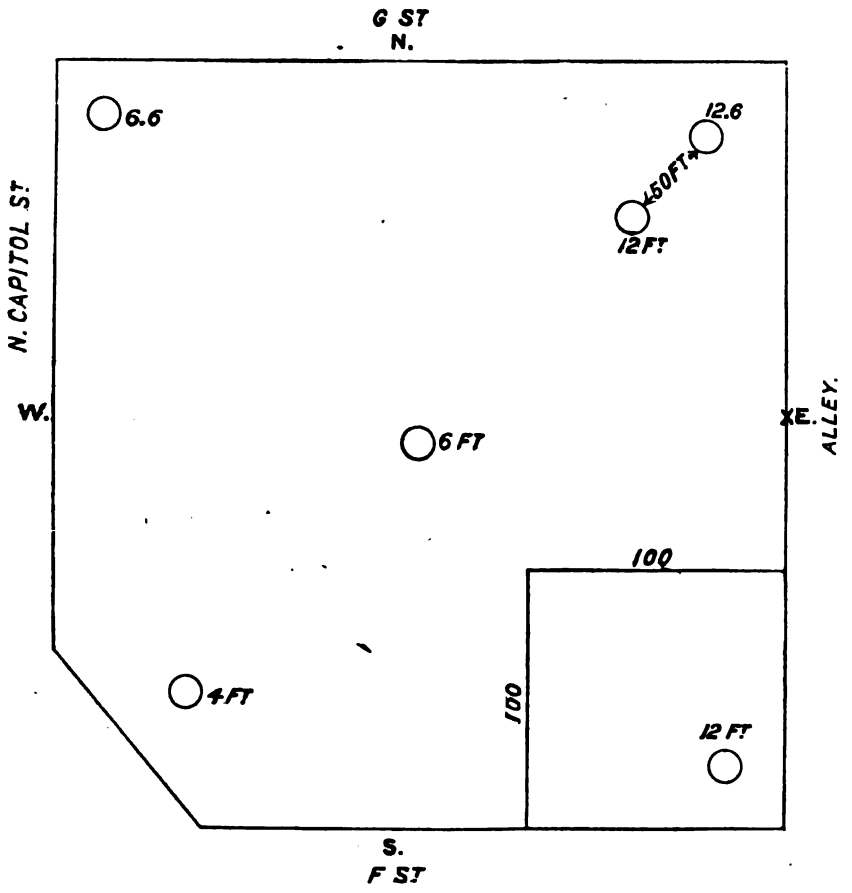
> The work has been well done under my superintendence, and a rough estimate only is herein shown of the amount of excavation. A great portion of the work being through new-made ground, a great amount of extra excavation has been required. I recommend a wood bottom of plank and timber instead of the brick bottom as now being laid.

Q. Who is that signed by?—A. "Respectfully submitted. E. W Whitaker, general superintendent, sixth district." I brought that with me, thinking it might be of use to the committee. That is the only thing I could find bearing on the point.

Q. You have no personal knowledge in relation to the matter?—A. None whatever.

The CHAIRMAN. If there is nothing further to be presented, we will consider the testimony closed.

Adjourned.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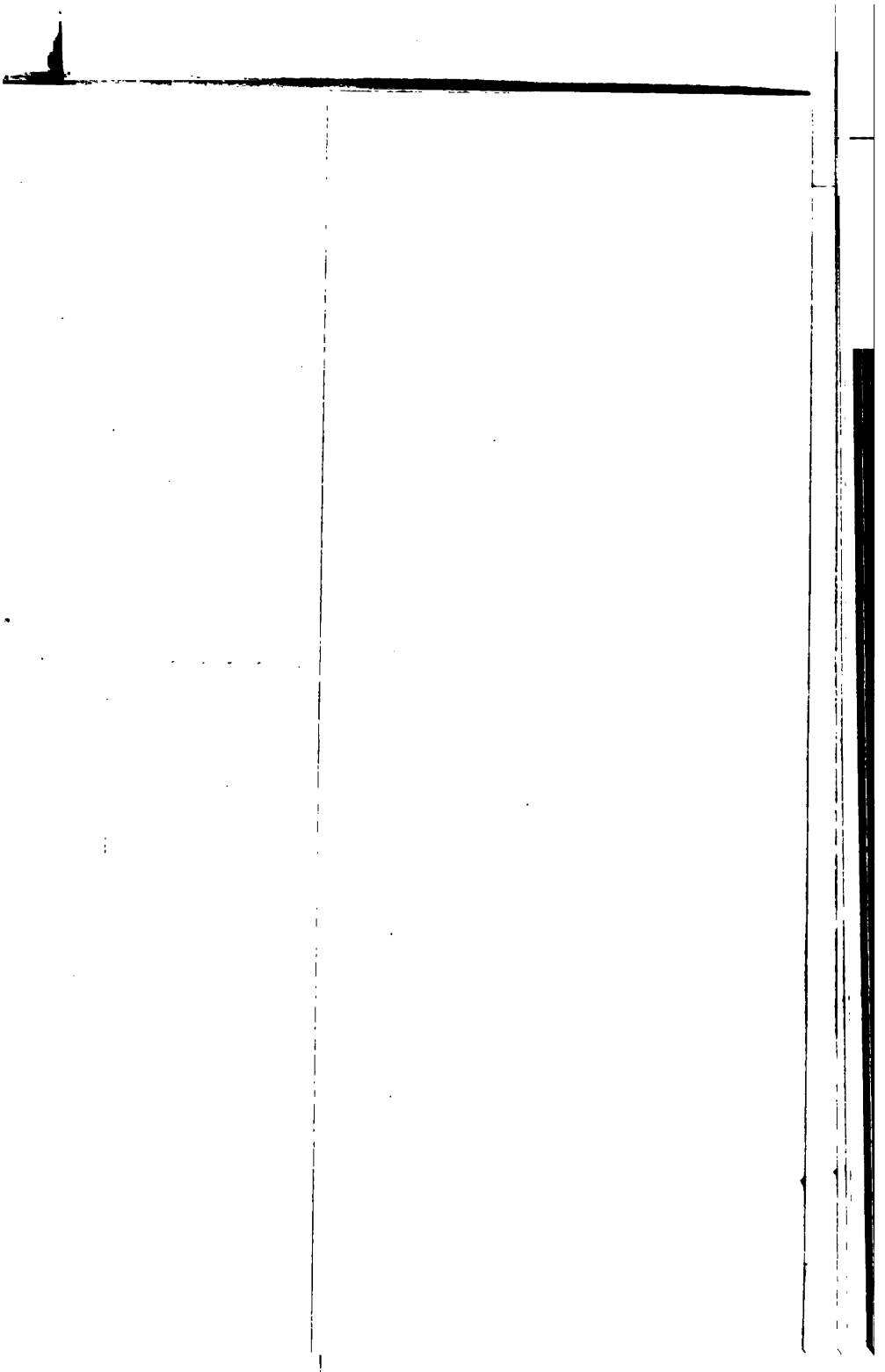

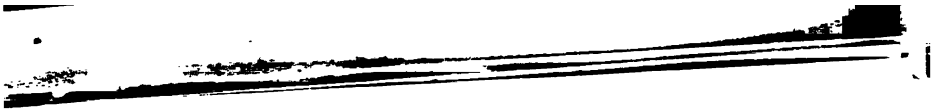

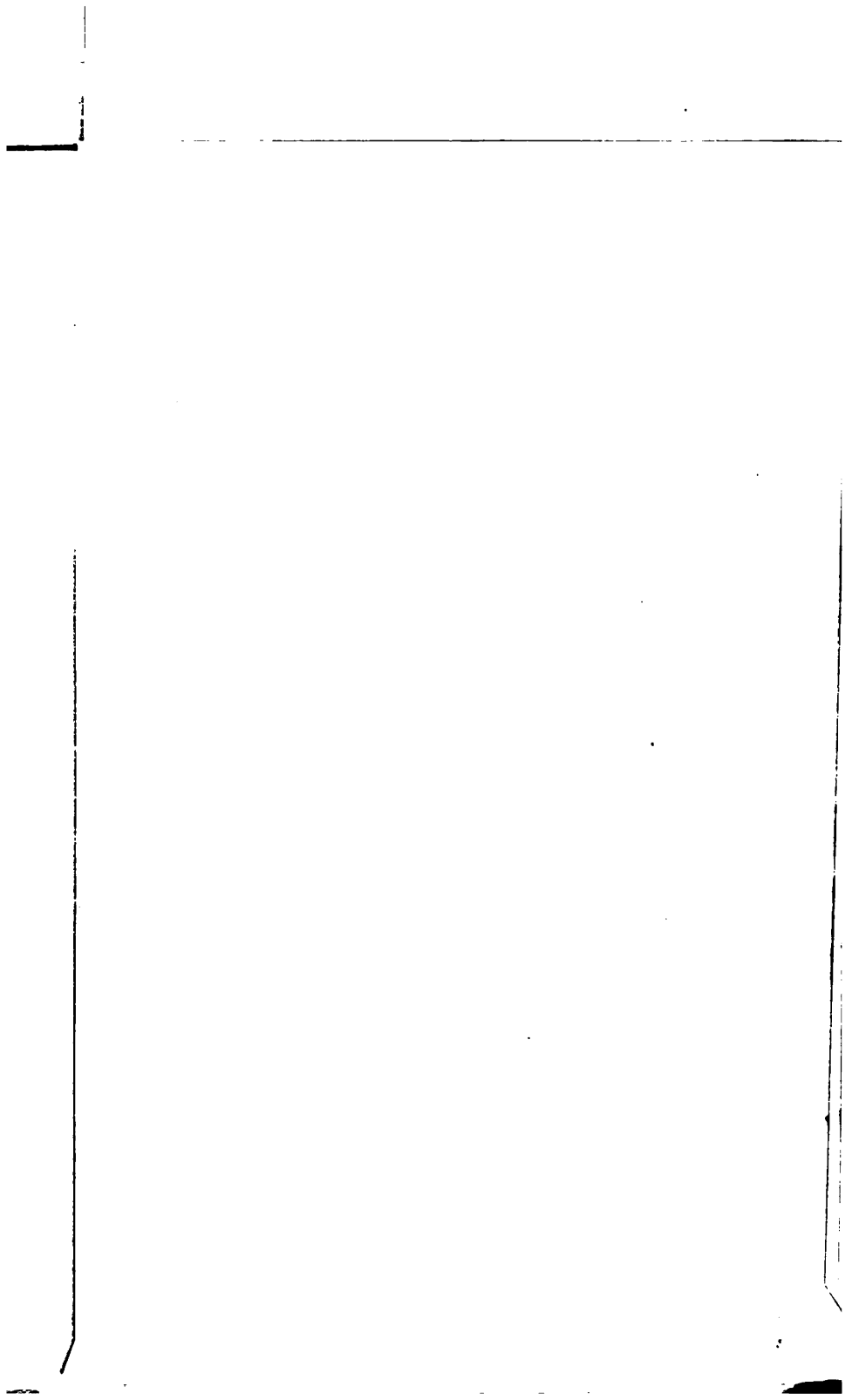

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2495.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Education and Labor, submitted the following

REPORT:

[To accompany H. R. 11120, recommitted to the committee by the Senate.]

The committee recommend that all the bill after the enacting clause be stricken out, and the following inserted as a substitute for the bill and all amendments hitherto pending, and that the bill as thus amended be passed:

That the statute of limitation shall not be interposed in any suit brought by any laborer, workman, or mechanic in the Court of Claims against the United States to recover wages claimed to be due him under the national eight-hour law: *Provided*, That such suits shall be commenced within three years from the passage of this act: *And provided further*, That any number of claimants may join in the same suit, and the court may find in favor of some and against some, as in law and equity may be right, and both the claimants and the United States shall have the right to appeal to the Supreme Court of the United States, irrespective of the amount claimed.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2496.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8508.]

The Committee on Pensions, to whom was referred the bill granting a pension to Ann Carr, have examined the same and report:

From the facts stated in the following affidavit of the Hon. William S. Holman, of the House of Representatives, and the proceedings of the House thereon, which are hereto attached and made a part of this report, we believe this to be a meritorious measure, said affidavit and proceedings being in the words and figures following, to wit:

The facts in the case are as follows: Ann Carr, named in the bill, is the widow of Patrick Carr, who served a full term of 3 years during the late war as a private in Company K, Second Regiment of Indiana Volunteer Cavalry, and was honorably discharged; there is evidence tending to show that he reënlisted and served in the Union Army for 1 year after his enlistment for 3 years had expired; that she is wholly destitute of means of support, totally blind, and entirely dependent for the necessaries of life on persons not legally bound for her support. This statement is based on the following evidence, viz:

DISTRICT OF COLUMBIA, *Washington City, ss:*

William S. Holman, a member of the House of Representatives in Congress from the State of Indiana, being by me, the undersigned notary public of said district and city, duly sworn, says:

That as a Representative in Congress from the Fourth Congressional district of Indiana he did on the 21st day of March, 1890, introduce in the House of Representatives, Fifty-first Congress, a bill granting a pension to Ann Carr, of Vevay, Switzerland County, Ind., widow of Patrick Carr, being the bill H. R. 8508, which was referred to the House Committee on Invalid Pensions, together with certain affidavits in support of the same; that afterwards, being of the opinion that further testimony was necessary, he wrote to the friends of Ann Carr, who furnished further proofs (affidavits) in her claim; that afterwards, finding the evidence imperfect, he drew up an affidavit as to the death of said Patrick Carr for Dr. L. J. Woollen, of said city of Vevay, now resident of this city and formerly a chief of one of the clerical divisions of the General Land Office. These papers were all on file in the House Committee on Invalid Pensions, together with a statement of the service for a 3-years term in the Union Army and a copy of a certificate of discharge from a subsequent service of 1 year, the first service having been in the company and regiment first named in said House bill.

That these affidavits and papers in his judgment and according to his belief established the facts following, viz: The marriage of said Patrick Carr with said Ann Carr; his said service in the Army, at least as to said service first named in the House bill for a term of 3 years; his death; that she, the said Ann Carr, had no means of support, had not again married, and was dependent for support on laboring people not legally bound to support her, and that she was totally blind; that on the 20th day of September, 1890, there being some delay in the House Committee on Invalid Pensions in acting on said bill (he depends on the record of that committee for correctness of this date), he obtained the said affidavits and papers from a clerk of that committee, and on the evening of that day asked the House of Representatives to consider the same, as will appear from the following proceedings of the House of that date.

[Evening session, September 26, 1890.]

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. Perkins in the chair as Speaker *pro tempore*.

CORRECTION.

Mr. MORRILL. Mr. Speaker, I notice that in connection with the consideration of a bill on last Friday evening granting a pension to a Mr. Haley, I am made to say in in the Record that I was in command at the time he was wounded. What I did say was that I was stationed with the command. I was a staff officer, and of course could not be in command. I now yield the floor to the gentleman from Indiana [Mr. Holman], who desires to call up a bill, and who is obliged to leave the House on account of illness in his family.

MRS. ANN CARR.

Mr. HOLMAN. Mr. Speaker, I appreciate the kindness of the House, and will occupy only a moment. The bill which I propose to call up has not been reported by the Committee on Invalid Pensions, but I can say to the House that I have the permission of the chairman, and also of such other members of the committee as I could reach, to make the motion which I now do make, that the Committee on Invalid Pensions be discharged from the further consideration of the bill (H. R. 8508) granting a pension to Ann Carr, and that the bill be put upon its passage.

This lady is old and blind, and is dependent on the charity of working people. Her husband was in the Army for 4 years. I do not claim that she is entitled to this pension because of her husband's disability, but, as I have said, he was in the service for 4 years, and she is now old and blind and dependent, and it seems to me that under such circumstances, she being entitled to a pension of $8 per month under the law, it would be a generous and a proper act to allow her at least $12. It has been done in other cases, and I ask that the bill be read with the amount fixed at $12.

The bill was read as follows:

"*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the general pension laws, the name of Ann Carr, of Vevay, Ind., widow of Patrick Carr, late a private in Company K, Second Regiment of Indiana Volunteer Cavalry, and late of Company C, Eighth Regiment of Indiana Volunteer Infantry, and grant her a pension of $12 per month during her widowhood."

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. Holman], asks unanimous consent that the Committee on Invalid Pensions be discharged from the further consideration of this bill, and that it be now considered in the House.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. Holman moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

He further says that at the time said bill passed the House as above, the said affidavits and papers were in his possession; he thinks he handed them that evening to one of the clerks, but after an exhaustive search they can not be found.

He further says that he was acquainted with most if not all the persons who made said affidavits but can only name at this time said Dr. L. J. Woollen; that he saw Ann Carr in (he thinks) 1888, in said city of Vevay, a city in his Congressional district (but remote from his residence). She was then apparently totally blind and seemed dependent on a daughter and son-in-law who, he was informed, were laboring people; and further says not.

WM. S. HOLMAN.

Subscribed and sworn to before me in said city on this the 19th day of February, 1891.

[SEAL.] JOHN H. ROGERS,
Notary Public, District Columbia.

Upon the facts stated your committee recommend the passage of the bill.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2497.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3520.]

The Committee on Pensions, to whom was referred the bill (H. R. 3520) granting a pension to D. G. Scooten, have examined the same and report:

From the facts stated in the House report, which is hereby approved and hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 2346, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3520) granting a pension to D. G. Scooten, submit the following report;

The claimant was a private in Company H, Fifty-ninth Regiment Illinois Infantry, and was also on detached service in Colonel Ellet's ram fleet on the Mississippi. It was in the latter service that he claims to have received injury to his back while carrying wood, and for this he asks a pension. The records show that he was in hospital for diarrhea, and his discharge says he was unfit for service on account of dysenteria, chronic diarrhea, and an ulcer on his leg. There is no record reference to the disability referred to in his application. The examining surgeon says he thinks his is a case of spinal irritation.

In his declaration he says he became disabled while on detached service with the ram fleet, carrying wood.

The letter of transmission says the case is still pending and awaits evidence of the origin of said injury to back in the service; but it has been briefed for rejection on the ground that there is no record evidence of alleged injury, and the claimant is unable to furnish evidence of origin.

The Adjutant-General's report shows that he first served in the Ninth Missouri Volunteers, subsequently the Fifty-ninth Illinois; that he was present for duty December 31, 1861; February 28, 1862, absent with sick leave; April 30, 1862, on detached service, and subsequently borne as on detached service in Colonel Ellet's ram fleet, from April 30, 1862, until discharged, October 8, 1862, at Cairo, Ill., for disability.

This man's record is good, and it is owing to his varied service and the imperfect reports that he can not furnish the evidence in the form required.

His neighbors and acquaintances testify that he was sound prior to service. Dr. Yarnold says he treated him for injury to his back when he returned from service, and claimant told him it was on account of this injury that he was discharged. His certificate of discharge recites several complaints, but does not mention the injury to his back.

The detached duty to which he was assigned was with the ram fleet on the Mississippi, and consisted in carrying cord wood on his back to fill a barge in order to protect the ram while passing the rebel batteries at Fort Pillow. He says he is unable to comply with the requirements of the office, for the reason that he was on detached service; that James Bockner was the only one on said detached service of his company, and he learns that Bockner was killed in a skirmish in 1863; that Colonel Ellet was wounded at Memphis and died at Cairo; that his son Charles, who was present when he was injured, has since died, and Colonel Ellet's brother, who succeeded him, was *killed by accident.*

The examining surgeon reports—

"Injury to spine by carrying wood on the shoulder up a gangway plank and slipping. He complains of pain at or about the eighth dorsal vertebra, extending around to the breast, on sitting, standing, or stooping, or in any position if maintained for a short time; weakness of the back, and inability to perform any except light manual labor. Also pain in the night, obliging him to get up and walk about. I think his a case of spinal irritation caused by injury as above stated."

Inasmuch as prior soundness is satisfactorily proven, and the disability was identified by his attending physician immediately after discharge, and its continuance and present existence are shown by the certificate of the examining surgeon, and in view of the difficulty of procuring evidence in the cases of soldiers who have been placed on detached service, the committee are of the opinion that the relief for which the claimant appeals to Congress should be conceded.

The bill is reported favorably, with a recommendation that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2498.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 10602.]

The Committee on Pensions, to whom was referred the bill (H. R. 10602) granting a pension to Charles T. Sloat, have examined the same and report:

From the facts stated in House report, which is hereby approved, attached, and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 2472, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10602) granting a pension to Charles T. Sloat, submit the following report:

The soldier enlisted August 15, 1862, and was honorably discharged August 5, 1865. The basis of the claim is that at Spanish Fort, Ala., March 25, 1865, the veins of the soldier's left leg below the knee were burst, and has gradually grown worse until now he is very badly afflicted with varicose veins and has running sores. The claim was rejected in the Pension Office on the ground that there was no record or other evidence showing origin of injury in the service and claimant's inability to furnish any such evidence.

The soldier testifies to the incurrence of the injury in the service and in line of duty, and that it has gradually grown worse until now he has running sores on his leg and is compelled to use zinc plates to support his said leg; and was treated in regimental hospital but the surgeon is now dead. William Franks, the lieutenant of his company, testifies that the soldier was sound when he entered the service. John B. Ledterman and Henry L. Coggins, comrades of the soldier, testify to prior soundness. Jones F. Peyton testifies to same fact. Thompson Sloat, father of the soldier, testifies that when he entered the Army the soldier was sound and healthy, and when he returned from the army he had varicose veins and that he has been treated for said disease ever since. Several other witnesses testify that when the soldier returned from the Army he was afflicted with varicose veins and is so afflicted ever since. The board of examining surgeons find that said soldier is entitled to twelve-eighteenths rating for varicose veins.

The committee think that they are warranted in the conclusion that the soldier sustained injuries while in the service and became diseased in line of duty and has continued diseased ever since.

We report the bill back with a recommendation that said bill do pass.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2499.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4888.]

The Committee on Pensions, to whom was referred the bill (H. R. 4888) granting a pension to N. E. Palmer, have examined the same and report:

From the facts stated in House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 2356, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4888) granting a pension to N. E. Palmer, submitted the following report:

Noah E. Palmer served as private in Company K, One hundredth Indiana Volunteers, from August 18, 1862, to January 27, 1863, when discharged for disability, and again from October 1, 1863, to July 17, 1864, in Company D, Twelfth Indiana Cavalry, when likewise discharged from service on account of disability.

He applied for pension August 12, 1882, alleging enlargement of the sub-maxillary gland and laryngitis. Subsequently he also claimed for disease of eyes. The claims have been rejected by the Pension Office on the ground that the disease of throat existed prior to enlistment, and the insufficiency of evidence connecting the other disabilities with the service.

The claim for disease of eyes may be dropped, but the other disabilities would seem to be entitled to consideration.

Dr. E. P. Andrews, whom the special examiner reports as of excellent character, testifies that claimant was free from any disease of throat or of the sub-maxillary gland prior to and at time of enlistment, which fact he knows from an intimate acquaintance with, and medical attendance in, claimant's family.

The record shows that the soldier was treated for pneumonia prior to discharge, and that phthisis followed, which was one of the grounds for discharge from first service, the other being loss of right eye prior to enlistment.

Dr. Richard McGee, late assistant surgeon One hundredth Indiana Volunteers, testifies to treatment for laryngitis and enlargement of the sub-maxillary glands, contracted from exposure to rains in December, 1862.

Continuance of the diseases from discharge to present time is fairly well established, while medical examinations show their existence in a pensionable degree.

In the opinion of your committee, claimant should be pensioned for any disability found to exist by reason of disease of throat or lung and the sub-maxillary glands, and therefore report favorably on the accompanying bill and ask that it do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2500.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7002.]

The Committee on Pensions, to whom was referred the bill (H. R. 7002) granting a pension to William Richardson, have examined the same and report:

From the facts stated in House report, which is hereby approved and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 1494, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7002) granting a pension to William Richardson, submit the following report:

The Committee on Invalid Pensions of the Fiftieth Congress reported this case favorably to the House, which report this committee adopt as their report. It is as follows:

William Richardson, a private in Company K, First Regiment Ohio Light Battery, enlisted March 10, 1862, and was honorably discharged on the 14th of March, 1865, by reason of expiration of service. He applied for a pension in March, 1876, basing his claim upon the ground that he was wounded in the latter part of December, 1863, by a gunshot in the left side of the head from a gun in the hands of William Perkins, who was a member of his company and in a state of intoxication.

The claim was rejected June 2, 1877, on the ground that "the wound was not received in the line of duty."

The claimant makes affidavit to the following circumstances happening at the time of his injury:

"That he was on guard the day of the shooting, and was guard over a boy who was bucked and gagged; in the afternoon William Perkins wanted him to aid him to release the boy and he refused to do so. After he was relieved Perkins wanted him to go and take the officer's whisky, and upon his refusing, Perkins called him a damned coward. After he had gone to bed late in the evening, Perkins again came to him and having waked him, wanted him to go with him to take a demijohn from the officers' tent who were then absent.

"Upon his refusal he said I was a damned coward and that he would kill me, and without further remark shot me. Perkins shot Sergeant Fairhurst of my company. I am unable to do manual labor."

A number of the privates of Company K testify that the shooting was done by Perkins without any apparent cause or provocation, and Perkins himself says: "I entered the tent where Richardson was in bed, and without any provocation fired my revolver at him, wounding him in the head;" that he did this while maddened with liquor.

Some of the witnesses, when examined by a special agent of the Pension Bureau, testified that Richardson was teasing an old man, a member of the company, when Perkins interfered and shot him (referring to Private Quigley, then a member of the company). Private Quigley files his affidavit denying that he was present at the time of the shooting, and showing that he was then performing guard duty. And

other witnesses, who previously testified to this fact, subsequently filed affidavits admitting that after having their recollections refreshed by conversation with their comrades they were satisfied that they had done the claimant an injustice, and that the time to which they referred was anterior to the date of the shooting.

On May 18, 1876, Dr. Isaac Scott, examining surgeon, certified to the Pension Bureau that—

"On examination of the applicant I find cicatrix showing scalp wound 2 inches in length on the crown of the head 1½ inches to the left of the sagittal suture and in line with it. Applicant states that a number of spicula of bone have come out since he received the wound, and he complains of pain in that side of the head, and giddiness, on stooping. In my opinion the said William Richardson is one-half totally incapacitated. The disability is probably permanent."

On November 9, 1880, George O. Hildreth, examining surgeon, certified to the Bureau that—

"In my opinion the said William Richardson is three-eighths incapacitated; that the disability is permanent. The top of the head shows no cicatrix, but a groove or depression is felt in the left parietal bone about an inch from the line of the sagittal suture. It commences near the coronal suture and runs back about 2 inches, like a furrow. It seems to be two or three lines wide, the border or edge rather tender on pressure. He alleges a feeling of heat about the wound; pains extending front and back, irregular in character, and increased by stooping work and by heat of weather; occasional vertigo; results, as stated, of a raking revolver-wound of scalp and cranium."

This analysis of the testimony clearly establishes the existence of three facts:

First. That the claimant received a wound on left side of the head.

Second. That the wound so received was from a ball fired from a pistol in the hands of a comrade while under the influence of liquor, without provocation and while the claimant was in bed; and

Third. That in the opinion of one examining surgeon his disability should be rated at one-half, and in the opinion of the other examining surgeon at three-eighths disability.

The record discloses another important fact as bearing upon the right of this claimant to a pension under the law as it existed, where it states the fact that Sergeant Fairhurst was pensioned for injury of the left knee, caused by the accidental discharge of a pistol in the hands of Private Perkins. In the one case the injury was received at the hands of Private Perkins by the "accidental discharge" of his pistol, and in the other by the deliberate and unprovoked discharge of his pistol with intent to injure the claimant.

It is impossible for the committee to draw so fine a distinction as the Pension Bureau in these two cases. The committee is of opinion that Sergeant Fairhurst was properly pensioned, and they are equally of opinion that the claimant, William Richardson, is entitled to be placed on the pension-roll.

Senate bill No. 1638 is therefore reported favorably, with the recommendation that it do pass.

And the committee, being satisfied with the justice of the claim of the said William Richardson, recommend that said bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2501.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4209.]

The Committee on Pensions, to whom was referred the bill (H. R. 4209) granting a pension to Oliver P. Martin, have examined the same and report:

From the facts stated in House report, which is hereby approved and hereto attached and made a part of this report, we believe this to be a meritorious bill and do recommend that it be passed.

[House Report No 1574, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4209) granting a pension to Oliver P. Martin, beg leave to submit the following report:

Oliver P. Martin enlisted as a private in Company I, Seventeenth Regiment Ohio Volunteer Infantry, on the 1st day of February, 1864, and was mustered for discharge at Louisville, Ky., on the 16th day of July, 1865, at Camp Chase, Ohio. His regiment came to Camp Chase, Ohio, where he received his discharge papers, on the evening of July 20, 1865. On the morning of the 21st of July, the next morning, he with others was ordered to get on a train of cars on the Baltimore and Ohio Railroad, to go to Zanesville, Ohio, and from there to his home; that he got upon the aforesaid train, and when about 16 miles east of Columbus, Ohio, a truck wheel of the engine broke, causing an accident to the train, and that in the smash-up he was caught between two cars and his right leg was broken about 6 inches below the knee, disabling him from manual labor, and his present physical condition is such that he can do only the lightest kind of labor, suffering much pain in both his right leg and right ankle.

He filed his application in the Pension Office April 23, 1873, and it was rejected by the Department for the reason "that the injury was not received strictly while in the service in the line of duty." There is no doubt, from the evidence submitted and from all the papers now on file, that claimant suffered such injury and is now partially unable to support himself, and that this occurred the next morning after he had received his discharge, but before the Government had returned him to his home or place at which he had enlisted.

This case is similar to that of Henry Canode, favorably reported in the Forty-ninth Congress, first session, Report No. 3387, which became a law. In view of the precedents thus established, and in view of the premises, the committee recommend the passage of the bill.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2502.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 5106.]

The Committee on Pensions, to whom was referred the bill (H. R. 5106) granting a pension to Squire West, have examined the same and report:

From the facts stated in House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 2141, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 5106) for the relief of Squire West, have considered the same and report:

The claimant was a private in Company F, Fourth Indiana Volunteers, and served over 13 months in the war with Mexico. He filed an application for pension February 18, 1878, alleging that he incurred a rupture and also deafness during his service, but he was unable to furnish the proof required by the Pension Bureau and the claim was consequently disallowed.

Subsequently his name was placed on the pension-roll at $8 per month under the Mexican war service act of January 29, 1887. This sum now constitutes his sole income. He has no property, and by reason of age and an immense double rupture he is wholly incapacitated for any manual labor. He is about 81 years old.

Your committee believe that relief should be granted in this case, and the bill is reported back with the recommendation that it do pass with the following amendments: Change the title so as to read: "A bill granting an increase of pension to Squire West;" also amend by adding after the word "volunteers" in line 7 the words "and allow him a pension at the rate of thirty dollars per month, the same to be in lieu of the amount now paid him."

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2503.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4878.]

The Committee on Pensions, to whom was referred the bill (H. R. 4878) granting a pension to Richard Christy, have examined the same and report:

From the facts stated in House report, which is hereby approved and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[Report No. 2345, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4878) granting a pension to Richard Christy, submit the following report:

Claimant enlisted in Company F, One hundred and twenty-fifth Illinois Infantry, August 7, 1862; was discharged June 9, 1865. Made application for pension in 1885, alleging the incurrence of piles and rheumatism in the Atlanta campaign. His claim was rejected at the Pension Office on account of no record and failure of claimant to furnish required evidence as to incurrence of disability. The Department, however, admits that the records of his regimental hospital were very incomplete. Claimant alleges that, owing to the lapse of time, his captain could not sufficiently recall the facts to warrant him in making affidavit, and that his lieutenant and orderly sergeant are dead.

Joseph Wren makes affidavit that he has known claimant since 1855; that from his discharge to 1878 he resided within 3 miles of him, saw him about twice a week, and at times employed him; that at his return home after discharge he was suffering from piles and rheumatism, and continued to be so affected until 1878, at which time he lost sight of him. Another witness testifies that he has lived close neighbor to claimant since 1875, and that during all the time since his acquaintance he has continuously suffered from piles and rheumatism. Two other witnesses testify substantially to the same facts as to claimant's disability. The examining board in 1885 found a very irritable condition of the anus with a large hemorrhoidal tumor, muscles flabby, general health impaired. They gave him a rating of four-eighths for bleeding piles and three-eighths for general debility. Another examining board in 1888 found two additional disabilities. Owing to the fact that claimant served nearly 3 years, his good record as a soldier, and his evidence of continuous disability since discharge, your committee are disposed to give him the benefit of doubt as to incurrence, and recommend that the bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2504.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8595.]

The Committee on Pensions, to whom was referred the bill granting a pension to William M. Bishop, have examined the same and report:

From the facts stated in the House report, which is hereby approved, and is hereto attached and made a part of this report, we believe this to be a meritorious bill and do recommend that it be passed.

[House Report No. 1501, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8595) granting a pension to William M. Bishop, submit the following report:

This case was considered and passed by both Houses of the Forty-ninth Congress, but failed to receive the President's signature, and the following report was made thereon, which this committee adopt as their report, as follows:

That claimant enlisted in the Seventy-ninth Indiana Volunteers on March 25, 1865, to serve one year. On April 3, ten days after enlistment, he was admitted to post hospital, Camp Carrington, Indianapolis, Ind., with measles, which continued six weeks, and resulted in disease of eyes and weakness of the spinal column.

His claim for pension was rejected on the ground that measles were contracted before service, the medical referee of the Pension Office claiming that the disease must have been well advanced so that the diagnosis could be made at the time—*i. e.*, April 3, ten days after enlistment.

Claimant swears that he was under military orders for several days in the barracks at Terre Haute, Ind., prior to enlistment at Indianapolis, where he alleges he caught the measles.

Dr. Martin Flenner testifies—

"That he knew of his own personal knowledge that at the date of and prior to enlistment claimant was free from diseased eyes and spinal column. He is positive of claimant's prior soundness, as he was his family physician, and claimant worked as a laborer for him for several years."

Theodore Barnes testifies:

"I formed the acquaintance of William Bishop about the 20th day of March, 1865. While in camp at Indianapolis Bishop was taken sick with measles, and I helped to carry him to the hospital on or about the 5th day of April, 1865. I was soon after taken down with the measles, and was placed in the same ward and in the same bed with claimant, and know that said disease affected his eyes. I saw him just after he came out of the hospital, and his ears were discharging matter and his eyes were sore."

Nelson Shaffner testifies—

"That he was intimately acquainted with the claimant for ten years prior to enlistment, and he was apparently free from all diseases. Is positive his eyes were perfectly sound. Has known him well since his discharge, and noticed that claimant was troubled with some disease of the eyes up to 1872, when he moved from affiant's town."

A number of affidavits are on file among the papers in the case, which show that the claimant's eyes were sore at the time of his discharge and continued sore to the present time, the board of examining surgeons rating him one-eighth disabled for manual labor by reason of granulation of both upper eyelids and conjunctivitis of same.

Your committee believe that the claimant contracted measles after enlistment, notwithstanding the opinion rendered by the medical referee, and report the bill with the recommendation that it do pass.

But that the same be amended by adding M. after the word William and before Bishop where the same occurs in the bill, and also in the title thereof.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2505.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13575.]

The Committee on Pensions, to whom was referred an act granting a pension to Mary A. Ripley, have examined the same and report:

They cordially concur in the House committee's report in this case, and recommend the passage of the bill with the following amendment: In line 9 strike out the words "twenty-four" and insert "twelve."

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13575) granting a pension to Mary A. Ripley, submit the following report:

Mrs. Mary A. Ripley is now a pensioner at the rate of $12 per month, under special act of Congress approved June 24, 1866, on account of her services as a nurse during the late war. She is also the widow of Z. Howe Ripley, who served as a member of Company G, Thirty-fifth New York Volunteers, and died September 6, 1889, of diseases due to his Army service. He was a pensioner at $50 per month on account of debility from typhoid fever and rheumatism, and left inguinal hernia. Mr. Ripley at date of his enlistment was a physician, and although an enlisted man only, rendered valuable services in the Medical Department of the Army, and until his disabilities disqualified him for active field duty and necessitated his discharge upon surgeon's certificate of disability. Subsequently he entered the service again as a medical officer under contract, but his disabilities became more aggravated and he was compelled to withdraw. In fact he never was able thereafter to earn sufficient for the support of himself and family, and gradually grew worse and became totally helpless, physically and mentally, some years before his death.

The claimant was the wife of the soldier for 53 years. She nursed and cared for him tenderly during his long years of suffering and dependence upon others. Past 70 years of age, broken down in health, and without any income except her small pension as a nurse, she now asks that she be allowed also a pension as the widow of a soldier who sacrificed his health in the defense of his country.

Others have had similar requests complied with, and your committee are unable to find one case more meritorious than the one under consideration.

The bill is therefore returned with the recommendation that it do pass, amended, however, by striking out all after the word "pension," in line 9, and insert therein instead the words "at the rate of twenty-four dollars per month, in lieu of the pension now received by her;" also by striking out the words "doctor of medicine," in line 7.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2506.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3611.]

The Committee on Pensions, to whom was referred an act (H. R. 3611) for the relief of John F. Mahler, have examined the same and report, approving the bill and recommending its passage. The committee can not make a clearer statement of the facts in the case than is contained in the report of the House committee, which is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3611) granting a pension to John F. Mahler, submit the following report:

John F. Mahler enlisted in Company C, Fifty-sixth Pennsylvania Volunteers, November 23, 1861, discharged October 8, 1862. Then reënlisted in Company A, Fifty-second Pennsylvania Volunteers, and was discharged July 12, 1865. He filed his claim for pension September 11, 1876, alleging disability to his right hip, caused by a fall while helping to build a bridge across the Potomac Creek, in April or May, 1862, and from gunshot wound received in his head at the battle of James Island, 1864. The claim was rejected April 13, 1880, on the ground that alleged disease of right hip existed prior to enlistment, and because there had been no disability from alleged wound of head.

Two members of claimant's company testify that they were present at the time of the accident. One Frederick Gersting says "that Mahler became disabled while building Potomac Creek bridge; fell and injured his right hip; * * * saw claimant immediately after incurred said disability." The other, Frank Watta:

"Claimant while in organization aforesaid, in the service and in the line of duty, on or about May, 1862, helping to build a bridge across the Potomac Creek, fell off the bridge, breaking his hip. I saw him when he fell. His father, Jacob Mahler, and Lawrence Ittle, his brother-in-law—now both deceased—helped carry him from where he fell to his tent, where I visited him there, and after he was there a short time they took him to the regimental hospital. That night, after the said claimant was injured as aforesaid, I heard his brother-in-law, Lawrence Ittle, say that said claimant had broken his hip, and when he lay in his tent he looked to me like a dead man; I can not remember which hip, etc."

Claimant furnishes affidavit of his family physician that he was sound and free from any injury to hip prior to enlistment, and also of his neighbors of prior soundness, and of his lameness immediately on return from the Army.

It is proper to state that the comrade Ittle affidavit above recited was not as full when the case was before the Pension Office, having been furnished the committee since rejection, and altogether this claim is well approved. There is on claimant's discharge this remark made by the physician, "Because of chronic disease of right hip joint of 3 years' standing."

This was on his discharge from first enlistment. It is contradicted by the oath of claimant himself, who has always borne a good character; by his neighbors; by his family physician.

There is good evidence of the wound having been received in the head.

Your committee recommend the passage of the bill.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2507.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7937.]

The Committee on Pensions, to whom was referred an act granting an increase of pension to Mrs. Harriet E. Martin, have examined the same and report:

Favoring the bill and recommending it for passage. The report of the House committee is appended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7937) granting an increase of pension to Harriet E. Martin, submit the following report:

That claimant is the widow of Erastus F. Martin, late third assistant engineer on the steam vessel *Mercedita*. She is now receiving $12 per month, the amount allowed by law for a widow of a seaman of his rank. She was left with a daughter and without means of support. She became a teacher and earned a living for herself and daughter. As a result of such work she has lost the use of her eyes and is now nearly blind. She also suffers from varicose veins, and is often confined to her bed for weeks. She is poor and is compelled to go to the charity hospitals of New York City for the medical treatment she needs.

Your committee believes that it is but just that this widow of a sailor who left a lucrative position to serve his country and gave to that service his life should be cared for in her old age and poverty, and recommend that the bill do pass, amended, however, by striking out the word "twenty-five" and inserting the word "eighteen."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2508.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4328.]

The Committee on Pensions, to whom was referred "An act granting a pension to Rufus Squire," have examined the same and report:

This case was before the Fiftieth Congress and received a careful examination at the hands of the House committee, whose report, affirmed at this session, is concurred in by the committee, and in accordance with which they approve the bill and recommend its passage.

[House Report No. 287, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 421) granting a pension to Rufus Squire, having considered the same, beg leave to report as follows:

Rufus Squire enlisted as a private in the U. S. Marine Corps, July 26, 1847, and was discharged August 29, 1847. He served during period indicated upon the U. S steamship *Michigan*.

On June 12, 1880, he filed in the Bureau of Pensions a declaration for pension, in which declaration he alleged that during a severe storm upon Lake Michigan, while descending from the main to the berth deck, he slipped and fell, receiving an injury which resulted in hernia of the right side.

The claim was rejected by the Pension Office August 1, 1887, upon the ground that the records of the War Department fail to show incurrence of said hernia in line of duty, and claimant's declared inability to furnish testimony showing origin in service and line of duty.

In an affidavit filed March 22, 1887, the claimant states that during a passage from Chicago to Cheboygan the *Michigan* experienced very rough weather, and that it was necessary to keep the deck around the smokestack wet; that he told the officer of the deck to get permission for him, and he would go up there and keep the deck wet; that permission was got for him, and he kept the deck wet until the ship got into Cheboygan, where, when the deck was cooled, he went down to the main deck, and going from there to the berth deck he fell by his feet slipping and injured himself in the right side, which proved to be the rupture on which he claims pension.

The applicant furnishes no proof other than his own statement showing the origin of alleged rupture. The affidavits of Dr. Carlos Glazin, Samuel James, and Mary Howland, a sister of applicant, show satisfactorily that prior to enlistment the applicant was physically a sound man, and that he was free from hernia, and also that upon his return to his former home, following his discharge from the Marine Corps, he was suffering from hernia of the right side.

The quarter reports of steamship *Michigan* for third quarter, 1847, show that one case of inguinal hernia was treated, but do not give the name of patient. The applicant alleges that he received alleged rupture about August 1, 1847. Dr. Carlos Glazin states that he treated the applicant for scrotal hernia of right side in the year 1847.

The board of pension examining surgeons of Detroit, Mich., made an examination of applicant June 15, 1887, and found an indirect inguinal hernia of right side, and recommended a specific rating for hernia.

The only question is, for the purposes of this bill, can origin of hernia in service and line of duty be accepted upon the evidence in the case, in the absence of direct proof of same? Your committee is of the opinion that, in view of all the facts shown in the case, it may be so accepted, and therefore recommend the passage of the bill.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2509.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 5524.]

The Committee on Pensions, to whom was referred an act granting a pension to Anna Platt, have examined the same and report:

The facts stated in the report of the House committee, hereto appended, fully corroborated before your committee, induce them to report favorably upon the bill, and recommend its passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5524) granting a pension to Miss Anna Platt, submit the following report:

The evidence filed with your committee clearly shows that this beneficiary, who is a maiden lady of sixty-five years of age, entered the service of the United States as a volunteer nurse at Armory Square Hospital, Washington, D. C., February 6, 1863, and served there until the close of the war. That she received to her own use no compensation for her services, but expended the whole monthly stipend allowed her for the comfort of the soldiers in the hospital ward under her care. She has in her books the names of over two hundred and eighty soldiers from fourteen different States cared for by her in Armory Square Hospital. That, as a consequence of her labors in the hospital, she had a severe attack of typhoid and brain fever, from the effects of which she has never fully recovered. That she is now in needy circumstances and has living with her and depending upon her for support her widowed mother, now ninety-five years of age.

The fact of her having rendered such services, her faithfulness and competency as a nurse, that she received no compensation therefor, and her present needy circumstances, are clearly established before your committee.

Your committee therefore recommend the passage of the bill with the following amendment:

Add to the bill the words "and pay her a pension at the rate of twelve dollars per month."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2510.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3485.]

The Committee on Pensions, to whom was referred "An act granting a pension to Caroline Reeble," have examined the same, and report favorably upon the bill and recommend its passage, for reasons set forth in the appended report of the House committee.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3485) granting a pension to Caroline Reeble, submit the following report:

The committee find it fully proven that Caroline Reeble is the mother of Edward Reeble, who was a private in Company I, Fourth Minnesota Regiment, and that the said Edward Reeble died December 4, 1863, from wounds received at the battle of Mission Ridge. Caroline Reeble was the wife of Garhardt Reeble, who died about 1870. Prior to his death he and his wife were in very reduced circumstances. He obtained a living for himself and wife by the rent of a small tannery. He had a small strip of land in Rice County, Minn., about the time of his death. The widow lived on this strip of land in a small house, keeping a cow and poultry, which were her main and chief support.

In 1876 there lived with her for a few months a man named Simmons, who claimed that he married the said widow. He obtained a license for marriage, but there is no record of the marriage. Whether legally married or not he in a few months abandoned her and left for parts unknown. Soon the said widow was divested of all means of support. The small home which she occupied was burned. She was then thrown upon a son-in-law. The daughter with whom she has since lived is a cripple, and the mother of eight children, and without whose support she would be a public charge. Mrs. Caroline Reeble is now 85 years old, and has been totally blind for the last 10 years. Your committee, considering the circumstances, recommend the passage of the bill, amended, however, by striking out the word "Ruble" wherever it may appear in the bill or the title thereof, and insert therein instead the word "Reeble."

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2511.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7148.]

The Committee on Pensions, to whom was referred "An act granting a pension to Lewis J. Baker," have examined the same and report:

They have considered the case of the beneficiary and, agreeing with the conclusions of the House committee, adopt their report and recommend the passage of the bill.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7148) granting a pension to Lewis J. Baker, submit the following report:

Lewis J. Baker served as private in Company K, Fifth Ohio Cavalry, from September 12, 1862, to May 22, 1865, when discharged upon certificate of disability by reason of a fistulous opening between the larynx and the exterior of the neck, the result of an operation necessitated by a gunshot wound of neck, received in action at Waynesborough, Ga., December 4, 1864. For this disability Baker receives a pension of $24 per month.

The windpipe having been nearly severed and the vocal organs partially destroyed, speech is very difficult and at times impossible. The destruction of the larynx has necessitated the operation of laryngotomy and the constant wearing of a trachea tube. As a result of the long continued use of the tube and unnatural way of breathing, the pensioner suffers from chronic inflammation of the air passages, bronchial troubles, frequent severe attacks of asthma, greatly impaired digestion, and general weakness. He can take no exercise, the least exertion producing chills and bowel and stomach trouble, requiring almost constant medical treatment. All the medical examinations in the case disclose the fact that pensioner can not and should not perform labor of any kind. His condition is deplorable, much more so than if he had suffered an amputation at the hip or shoulder joint, while his expenses for medical attendance almost absorb the pension now received by him.

There can be no doubt as to the inadequacy of his present pension, and as the general pension laws do not afford the necessary and equitable relief, your committee unhesitatingly report favorably on the accompanying bill and ask that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2512.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3254.]

The Committee on Pensions, to whom was referred "an act granting a pension to Fedolin Buckeviller," have examined the same and report:

While the case under consideration is not entirely free from doubt, the committee feel constrained to agree with its presentation by the House committee and to recommend the passage of the bill.

[House Report No. 1402. Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3254) granting a pension to Fedolin Buckeviller, submit the following report:

Fedolin Buckeviller was a private in Company A, Sixty-eighth New York Volunteer Infantry. He enlisted August 22, 1861, and was discharged November 30, 1865. He filed his application for a pension in the Pension Bureau on October 7, 1887, alleging disability contracted in the service in the line of duty, for the reason of fever and ague, impairment of hearing, as well as impairment of mind. As to prior soundness the affidavit of a comrade in his regiment states:

"That the applicant was sound of mind, and also that his hearing was in a very good condition when he entered our regiment."

The records of the War Department report him from the regimental hospital record as having been in the hospital on September 16, 1864, with dyspepsia, which thus shows this man to have been sick and suffering in the service; and since his discharge from malaria and ague, consequent upon this disability, is shown by numerous affidavits on file in the case. The medical board before whom he appeared in reporting on him said that his eyes are dull and lusterless, and a dimmish expression of countenance. His mental condition is of a passive form, only performing work when directed to, and then executes it mechanically; that he suffers with dementia. This board rated him for disabilities caused by impaired mind and hearing.

His prior soundness and long and faithful service, and suffering in the service, for which he was treated in the hospital, the malarial poison in his system, which has affected his mind, has so incapacitated this man that it has left him in a deplorable condition; he is now supported by a religious charity organization, having no one who is legally bound to care for him. That his disease was contracted in the service and was not heriditary is certified to and set forth in the affidavit of Rev. Isidore Hengartner, who testifies that he has known the family of claimant from his very childhood.

"I can testify that there never existed any mind trouble in their family, which is considered one above the averege for intelligence of natural brightness. I have no interest in Fedolin Buckeviller's pension claim."

His present condition is fully set forth in the affidavit of Dr. J. L. Conte, who testified that—

"Claimant is incapable of answering many questions or remembering names and localities. It is impossible for him to reply to questions sent him by the Department, as the claimant can not remember names of officers. A man of not sound mind can not very well testify *under oath.*"

His condition is also stated in the affidavit of Rev. Th. Wiltmer, who testifies:

"I have known Fedolin Buckeviller about 18 years; that he came here to Carthagena through his brother, who is a member of our society; that Fedolin Buckeviller is not a member of our society, and is kept here on charity; that I found and still find his hearing impaired, as well as his mind; that he is for above reasons prevented from earning his own living."

This man is now and has been for many years the object of charity entirely, without means of self-support. His mind is impaired and he is unable to care for himself. His claim was rejected in the Pension Office on the ground of the insufficiency of the evidence to clearly establish the contraction of the disease in service and in the line of duty.

On the ground of the dementia and the impairment of the claimant's mind he could have but little information of the necessary evidence, save and except that on file in the case and furnished by the War Department. Your committee is of the opinion, however, that sufficient evidence has been found to clearly establish the prior soundness and the incurrence of the disability in the service, and its present existence is not disputed.

Your committee are of the opinion that this is a meritorious bill and recommend its passage.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2513.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11421.]

The Committee on Pensions, to whom was referred "An act granting a pension to Elizabeth Dodge," have examined the same and report:

No more meritorious service was rendered during our civil war than that performed by the army nurse. As for one who received commendation for her labors and sacrifices in that capacity, and who is now old, infirm, and in need, and for whose benefit the bill is designed, the committee cordially concur in the House committee's report, and recommend the passage of the bill.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11421) granting a pension to Elizabeth Dodge, submit the following report:

Elizabeth Dodge served for 15 months as a nurse at the Chester Street Hospital at Philadelphia, Pa., under the charge of Thomas H. Bache, surgeon, U. S. Army. She proved herself so efficient and intelligent in the performance of her duties that she received the hearty and most complimentary indorsement of her superiors for appointment as matron at the Naval Asylum Hospital permanently located in that city.

She is now over 72 years of age, has no property or income except such as derived from her own labor, which, by reason of infirmities of age, is inadequate for comfortable support.

The case comes clearly within a long line of precedents, wherefore your committee report favorably on the accompanying bill and ask that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2514.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6563.]

The Committee on Pensions, to whom was referred "An act for the relief of John O. McDonald alias William Barnes," have examined the same and report favorably upon the bill, and recommend its passage.

The report of the House committee, in which your committee concur, is appended:

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6563) granting a pension to John O. McDonald alias William Barnes, submit the following report:

Applicant was member of First Regiment District Columbia Infantry, and was discharged *for disability* February 9, 1865.

This claim, asking pension for disease of eyes, was rejected by Department for want of proof showing incurrence in line of service.

The proof is clear that the man was discharged for disability; the surgeon's certificate and order of discharge, February, 1865, show that he was discharged for pulmonary disease of lungs.

This disease, as well as the trouble with eyes, is claimed to have originated from an attack of measles while in the service.

The soldier entered the service with sound eyes. He had measles and was treated therefor, and was treated also for relapse of measles in hospital. Thereafter, according to the proof, his eyes were weak, and, from the proof of the soldier and from that of many of his reputable neighbors, his eyes grew worse soon after his discharge, and from 1866 until now have grown steadily weaker, and are now seriously diseased, rendering him incapable of work at many times, and entirely incompetent to labor during cloudy or dark weather.

Your committee are of opinion that the disease of the eyes was occasioned by and resulted from the soldier's attack and relapse of measles while in the service, and, after amending it by adding after the words "John O. McDonald," wherever they occur in the bill, the words "alias William Barnes," and by striking out the words "subject to the provisions and limitations of the pension laws," and substituting therefor the words "and pay him a pension of $16 per month," we recommend the passage of the bill.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2515.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9504.]

The Committee on Pensions, to whom was referred "An act granting a pension to Gottlieb Hunziker, have examined the same and report:

Your committee do not hesitate to agree with the conclusions arrived at by the House committee in their report on this case, which should be regarded as of unquestioned merit. They adopt the House report, and recommend the passage of the bill.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9504) granting a pension to Gottlieb Hunziker, submit the following report:

Claimant enlisted August, 1863, and served until February, 1865, as a private in Company A, One hundred and seventy-sixth New York Volunteer Infantry Regiment. He was discharged May 25, 1865. As stated in his discharge, phthisis existed prior to his enlistment. This statement, in his certificate of discharge, by the surgeon who made out his discharge papers, is the cause of the rejection of his claim in the Pension Office.

That this statement is untrue is self-evident from the fact that he afterwards enlisted as a private in Company B, Third Regiment United States Cavalry, on the 4th day of December, 1865, under the assumed name of Jacob Muller, from which regiment he was discharged in May, 1868, on account of disability.

The evidence on file shows conclusively that the disability existed, as evidenced by the medical board who examined him, and as to the incurrence of the disability in the service there is no doubt.

The evidence shows that he suffered from bronchitis, tonsilitis, catarrh, cold, disease of the heart, diarrhea, conditis, and, finally, pulmonaris.

He is an uneducated German, who can not speak the English language, and was left in New Mexico, away from his former acquaintances. The only evidence that is lacking, and the reason for the rejection of the claim by the Pension Office, is the proof of prior soundness. The statement made by the surgeon who made out the certificate of discharge, which was the sole cause of rejection, was, to say the least, based upon merely the judgment of the surgeon.

This claim should have been allowed in the Pension Office, and your committee deem it an outrage that the Government should accept a man as sound and after a long service reject his claim as for prior unsoundness.

Your committee believe this to be a meritorious case and recommend the passage of the bill.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2516.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13592.]

The Committee on Pensions, to whom was referred the bill (H. R. 13592) to pension John Wagnon, have examined the same and report:

Your committee recommend that the bill do pass, on the ground stated by the House committee in the following report:

The Committee on Pensions, to whom was referred the bill (H. R. 13592) granting a pension to John Wagnon, have considered the same and report:

The claimant was a corporal in Capt. Thomas B. Watts's company, Col. William Lindsay's regiment of Alabama Volunteers in the Florida war, and served from April 7, 1838, to July 18, 1838.

W. R. Watson and J. F. Neely, prominent citizens of Bradley County, Ark., testify that Mr. Wagnon is past 70 years old, in very bad health and without income.

Your committee therefore recommend the passage of the bill.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2517.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13526.]

The Committee on Pensions, to whom was referred the bill (H. R. 13526) to increase the pension of Leah Allen, have examined the same and report:

The committee recommend the passage of this bill for the reasons stated in the House committee's report herewith appended.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 13526) granting a pension to Leah Allen, have considered the same and report:

Mrs. Allen is the widow of Marcus La Fayette Allen, late a sergeant of Company G, Fifth Tennessee Volunteers, in the Mexican war, and she is now drawing the service pension provided by the Mexican war pension act of January 29, 1887.

In her petition Mrs. Allen states she is 76 years old, without property or income aside from her small pension of $8 per month, and totally unable by reason of age and infirmity to do any work by which to support herself. She further states that she is now dependent for support upon the charity of others not legally bound to care for her, and that for the past 5 years her mental and physical condition has been such as to require the constant aid and attendance of another person.

J. W. Allen and J. A. Burchfield, citizens of Amity, Ark., fully corroborate under oath all of the applicant's statements.

The passage of the bill is respectfully recommended.

Amend by changing the title of the bill so as to read "A bill to increase the pension of Leah Allen."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2518.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4387.]

The Committee on Pensions, to whom was referred the bill granting a pension to David Keys, have examined the same and report, cordially concurring in the House committee's report in the case, and recommending the passage of the bill.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4387) granting a dependent father's pension to David Keys, submit the following report:

Thomas Keys, the son of David Keys, enlisted as a private in Company E, One hundred and eleventh New York Volunteers, September 1, 1864, and served until October 30, 1864, when he was captured while in action at Petersburgh, remaining a prisoner of war until the date of his death, which occurred at Salisbury, N. C., December 18, 1864. The testimony in the case shows that David Keys is now 80 years old; that he has been in very poor health since 1864, and has been unable to do any but the lightest work since 1860; that for several years before the death of his son he had given his father all his earnings; that his only income is so insufficient that he is obliged to depend on the charity of neighbors.

All the testimony required is practically supplied, but owing to the strictness which must be insisted on by the Pension Bureau the claim can not there be allowed.

In consideration of these facts we respectfully return the bill with a recommendation that it do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2519.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 1864.]

The Committee on Pensions, to whom was referred the bill (H. R. 1864) to place the name of Robert C. Kerr on the pension roll, have examined the same and report:

Your committee concur in the appended House committee's report on the case and recommend the bill for passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1864) granting a pension to Robert C. Kerr, submit the following report:

The claimant was a private in Company G, Eleventh Minnesota Volunteer Infantry, and was honorably discharged on the 26th day of June, 1865. About June 20, 1865, while on detail duty "on wood train guard," near Gallatin, Tenn., he was injured in the groin by the kick of a mule. He was never sent to the hospital but was treated by the assistant surgeon of the regiment, who says in his testimony "that in the month of June, 1865, in camp at Gallatin, Tenn., the said soldier, R. C. Kerr, when on duty there was hurt by a mule. Deponent found a slight swelling in said soldier's left inguinal region, but could not state it was hernious. Said soldier, Kerr, received medical aid then and there in said camp by deponent." He also testifies to the soundness and good health of soldier at time of enlistment.

The corporal of company testifies that claimant was off duty for several days in latter part of spring of 1865 by reason of sickness.

The injury received seems at the time to have been considered by the assistant surgeon a bruise only, but to have developed into hernia.

H. Runke, a practicing physician, testifies that in the year 1865, in the month of November, at Stillwater, Mo., he made a medical examination of claimant and found that he was ruptured in the left side, and that the rupture was about as big as a goose egg, and is about the same size yet (in January, 1883); that he ordered claimant a truss, which he continued to wear, and that he is incapacitated from obtaining subsistence by manual labor.

The testimony as to the injury is corroborated by comrades and neighbors who knew him immediately after his discharge, and who have had continued acquaintance with his disability since. The disability was incurred only a few days before the muster-out of the regiment, which fully accounts for the absence of record evidence. But the testimony of the assistant surgeon of the regiment and of comrades fully satisfies your committee that the injury was incurred in line of duty, and justice to the claimant requires that he should be placed on the pension-roll.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2520.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12777.]

The Committee on Pensions, to whom was referred the bill (H. R. 12777) to increase the pension of John H. R. Story, Company F, One hundred and ninth Regiment Pennsylvania Veteran Volunteers, have examined the same and report:

Your committee have examined the case provided for in the bill, and recommend its passage for the reasons submitted by the House committee, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12777) granting an increase of pension to John H. R. Story, submit the following report:

Claimant enlisted in F Company, One hundred and ninth Pennsylvania Volunteers, and was discharged in January, 1866. Received a severe shell wound of right hip at Chancellorsville May 3, 1863. Lost right leg at Dallas, Ga., May 28, 1864. Was also wounded in the body. He is receiving $30, all under the law he can for loss of leg, but noth ng for his other severe and disabling wounds. He suffers greatly from nervous prostration, neuralgia, and sciatica. The stump of leg is short, irregular in shape, cicatrix imperfect and sensitive. He is poor and unable to earn his family a support.

Your committee recommend the passage of the bill, amended by striking out "sixty dollars" and inserting "forty-five dollars."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2521.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13473.]

The Committee on Pensions, to whom was referred the bill (H. R. 13473) to restore to the pension roll the name of Eliza M. Keith (formerly Eliza Ash), have examined the same and report their concurrence in the views of the House committee in this case, and report the bill for passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13473) to restore to the pension roll the name of Eliza M. Keith, formerly Eliza Ash, submit the following report:

Mrs. Eliza M. Keith was the widow of David L. Ash, who enlisted August 19, 1861, in Company A, Thirty-seventh Regiment Illinois Volunteers was promoted to second lieutenant August 12, 1862, to first lieutenant February 28, 1864, honorably mustered out March 1, 1865, and who died of disease of lungs contracted in service May 26, 1865. She was a pensioner until September, 13, 1882, when she remarried with one Melville C. Keith, who proved to be a man void of principle, and by reason of cruel and inhuman treatment on his part petitioner was divorced from him September 2, 1889. Although the court allowed her alimony in the sum of $10 per month, the decree can not be enforced, and she is almost entirely dependent upon her own efforts for subsistence. But she is now well advanced in years and in very feeble health, and is liable to become a burden upon the public.

The soldier having served faithfully for nearly the entire period of the war, and died from the effects of his service only 2 months after muster out, his former widow in her dependent condition comes to Congress for relief.

The case comes clearly within the rules of this House. Therefore your committee report favorably on the accompanying bill and ask that it do pass, amended, however, by adding after the word "Ash," in line 5, the words "and widow of David L. Ash, of Company A, Thirty-seventh Regiment Illinois Volunteers."

51st Congress, 2d Session. | SENATE. | Report No. 3532

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13443.]

The Committee on Pensions, to whom was referred the bill (H. R. 13443) to pension Nathaniel Moon, have examined the same and report:

For the reasons stated in the House committee's report in this case, the committee recommend the passage of the bill.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 13443) granting a pension to Nathaniel Moon, have considered the same and report:

The claimant's military history is shown in the following communication:

WAR DEPARTMENT,
Washington City, January 30, 1891.

SIR: In reply to your communication of yesterday, received at this Department today, requesting to be furnished with the military record of Nathaniel Moon, Florida war, I am directed by the Secretary of War to inform you that the official records show Nathaniel Moon, private, Captain Pruit's company, Colonel Snodgrass' regiment, Alabama Volunteers, Creek war, enrolled October 26, 1837, to serve 6 months, and mustered out of service with the company April 14, 1838.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Hon. THOMAS C. MCRAE, M. C.,
House of Representatives.

Accompanying the bill is the testimony of G. W. Norman, W. M. Gatling, and H. J. Scraggin, citizens of Ouachita County, Ark., setting forth that Nathaniel Moon is 72 years old, in very poor health, almost totally deaf, and with no income, and that it is impossible for him to support himself and wife.

The passage of the bill is recommended.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2523.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3376.]

The Committee on Pensions, to whom was referred the bill (H. R. 3376) granting a pension to Catharine McManus, have examined the same and report, approving the bill and recommending its passage, for the reasons set forth in the report of the House committee, herewith given.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3376) granting a pension to Catharine McManus, submit the following report:

The claimant is the widow of John McManus, sergeant Company D, Third New Jersey Infantry, who enlisted May 26, 1861, and was discharged June 23, 1864. He was wounded in the knee at the battle of North Anna, Va., May 26, 1864. The evidence of several persons shows that this wound never healed, but became a running sore and made necessary the use of a pair of crutches. The evidence of comrades and neighbors shows that he was a man of good habits before, during, and after his enlistment.

The evidence of Joseph W. Campbell, M. D., on file with the claim, is to this effect: He swears that he treated the soldier in 1870 for chronic diarrhea and for gunshot wound of knee, which was a bad running sore. E. A. Marsh, surgeon, swears that he treated the soldier for this wound, and, up to a short time before his death, that the wound never healed and was continuously discharging, which caused weakness and general debility of the entire system. This is also proven by the testimony of other physicians. While in this weak and suffering condition the soldier went to a small brook near his home after dark; that this brook could be crossed by stepping upon small stones; he at the time used a pair of crutches to assist him in walking; his body was found next morning in the brook, he having fallen into the water and been drowned. It is the opinion of all the people who knew him that his death in this manner was due to his condition caused by his wounds. The claim was rejected on account of the manner of the death. The evidence is that he was a good soldier, and there is no doubt his death was due to his wounds.

Your committee recommend the passage of the bill.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2524.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9313.]

The Committee on Pensions, to whom was referred the bill (H. R. 9313) granting a pension to Mary D. McChesney, have examined the same, and report:

This committee agree heartily with that of the House in recommending for passage the accompanying bill, and adopt the House committee's report in its favor.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9313) granting a pension to Mary D. McChesney, submit the following report:

The claimant is the widow of the late Thomas M. McChesney, late captain Company M, Ninth New Jersey Infantry, and colonel of the First North Carolina Infantry, and who was granted a pension upon the following report by the Forty-eighth Congress. The report is as follows:

"The claimant in this case volunteered in Company M, Ninth New Jersey Regiment, in March, 1862, with Captain Grover, captain of said company, and accompanied said regiment to New Berne, N. C., soon after his enlistment, and served through the entire war as a scout, and rendered valuable services to the Government in many other ways. He was a practicing physician at the time of his enlistment, and many times during his term of service, from March, 1862, to May, 1865, acted as assistant surgeon of his regiment and as hospital steward and nurse in the hospitals. Captain Grover testifies that Dr. McChesney 'was all through the war, served as a scout, and was badly wounded; he fought nobly, and deserves the recognition of his Government.' He also says he was brought home on crutches in August, 1865, and owing to said wounds has been incapacitated to perform manual labor at any time since discharge.

"The claimant in his statement alleges he received his wounds in the following manner: That an attack was made on the Federal forces at New Berne, N. C., by General Pickens, and that his horse was struck by a piece of shell and threw him and fell on him, dislocating his wrist and producing a hernia on the left side, and also injuring his spine, from which injuries he has never recovered, and is now and has been totally unable to perform manual labor since the war.

"Dr. Memminger, medical director of the district of New Berne, N, C., during the time the claimant was there in service, writes that it gives him pleasure to state that Dr. McChesney was in the employ of the Government as a scout, etc., in and around New Berne and other points where ordered to go by the different generals in command of that district, and that he was a patriotic man, whose devotion to his country led him to the Army, and where he did valuable service as a scout.

"The sergeant of the Ninth New Jersey, Dr. Gillett, and members of the regiment, all corroborate the foregoing statements, and all testify to the valuable services of the claimant. This case was never presented to the Pension Office, for the reason that this claimant was never *regularly* mustered, and therefore it was certain to be

rejected under the law. But your committee are of the opinion that the valuable service rendered entitles him to a pension as a just recognition for such service and as a partial compensation for his injuries, and they therefore recommend the passage of the accompanying bill with the following amendments: Strike out all after the word 'pensioners,' in the fifth line, and insert the words 'subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the service as an enlisted man in Company M, Ninth New Jersey Volunteers.' Strike out the preamble."

Colonel McChesney died October 9, 1886, from the effect of the wounds for which he was pensioned. This is fully proven by the attending physician and others. Widow's claim was rejected by the Department for the reason that the records of the War Department failed to show that the soldier was ever mustered or enlisted in the above companies, and it was for this reason that the soldier had to seek relief from Congress. The proof is ample that he did so serve for 3 years, and that his death was caused from wounds received in battle, and that he was a valuable and deserving man.

Your committee therefore recommend the passage of the bill.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2525.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11257.]

The Committee on Pensions, to whom was referred the bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, former Elizabeth M. Sutton, have examined the same, and report:

Following precedents which are well established, the committee concur in the action of the House committee in this case, and, adopting their report, recommend the passage of the bill.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, submit the following report:

The claimant was the widow of James C. Sutton, Company D, Tenth New Jersey Infantry, and who died while in the service March 7, 1862, and she was pensioned as such widow until her remarriage with one William J. Ayars on the 3d day of September, 1865, at which time said pension ceased. She continued as the wife of the said William J. Ayars until his death, which occurred June 25, 1889. By the death of this second husband she is left in her old age in a dependent position, and as it has become customary to restore to the pension rolls applicants of this nature your committee recommend the passage of the bill.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2526.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8438.]

The Committee on Pensions, to whom was referred the bill (H. R. 8438) granting a pension to Esther Walker, formerly Esther Dayton, an army nurse during the war, have examined the same and report:

They have examined the case fully and find the facts as stated in the House report, and adopt the views therein expressed.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8438) granting a pension to Esther Walker, submit the following report:

Mrs. Walker as Esther Dayton became a nurse in the Bellevue Hospital, New York, in 1861, and at the end of her services there in 1862 was given the following certificate:

This is to certify that Esther Dayton has been engaged in this hospital (Bellevue), as night nurse, for the last 8 months, during which time she has performed her arduous duties with faithfulness, and would be a valuable person if engaged in a hospital in a similar vocation.

H. THATCHER SEARS, M. D.,
House Surgeon.

On June 19, 1862, an application was made by the Secretary of War to Vicar-General Starrs, through General Foster, U. S. Army, for sisters to take charge of a military hospital at Beaufort, N. C. Seven sisters from St. Catherine's Convent of Mercy, New York City, responded, and on July 16, 1862, sailed from that city to Beaufort, where they performed valuable services, and afterwards they engaged in similar services at New Berne, N. C. It is shown by a certificate that Mrs. Walker faithfully assisted these sisters at these two places.

In a letter from Maj. John F. Anderson, late aid-de-camp on the staff of Gen. J. G. Foster, of date August 27, 1890, this former officer says:

"I well remember the good work you did there (at New Berne), as a nurse, and hope you will be able to get a pension for your services during the war."

Mrs. Walker was engaged as nurse during nearly all the years of the war, and her testimonials are all clear and attest her faithfulness while so engaged. She is now of such age as to need the assistance of the Government, and having brought herself clearly within the practice adopted by Congress in such cases, your committee are of the opinion that she should be placed on the pension roll at the rate of $12 per month.

Your committee therefore recommend that the bill H. R. 8438 be amended by striking out "twenty" in the seventh line, and inserting the word "twelve," and that, as amended, it be passed.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2527.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13381.]

The Committee on Pensions, to whom was referred the bill (H. R. 13381) granting a pension to Sarah R. Kimball, an army nurse, have examined the same and report:

After examining the evidence in this case the committee find the facts as stated in the House report hereto attached, and adopt it as their own.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13381) granting a pension to Sarah R. Kimball, submit the following report:

The subject of this report was appointed an army nurse, by authority of Miss D. L. Dix, June, 1864, and served in the hospitals at Washington, D. C., and Fortress Monroe, Va., in all about 6 months. She was relieved from such duty on account of sickness, a result of her arduous and trying duties. The testimonials furnished by her show fully that she was a capable and faithful nurse, and did her duties well. She is now well advanced in years and has no one legally bound to her support, and properly comes within the precedents established by Congress.

Your committee recommend the passage of the bill.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2528.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13450.]

The Committee on Pensions, to whom was referred the bill (H. R. 13450) granting a pension to Catharine Cook, an army nurse, have examined the same and report:

The subjoined House report fully explains this meritorious case and the committee concur in the recommendation that the bill do pass.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13450) granting a pension to Catharine Cook, submit the following report:

The evidence clearly shows that Catharine Cook, the beneficiary, served as a nurse from June 1, 1862, until March, 1863, and that for such services she has never received any compensation whatever.

In addition to the services rendered as above she afterwards served in the field as a volunteer nurse, under the sanitary commission, caring for sick and wounded soldiers in the field, and on board hospital boats, suffering from exposure to rain and storm. She is now 66 years of age, in feeble health, and without any means of support.

Your committee believing this to be a very meritorious case would recommend the passage of the bill.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2529.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13332.]

The Committee on Pensions, to whom was referred the bill (H. R. 13332) granting a pension to Anna C. Dewhurst, invalid daughter of the late George Dewhurst, an acting master of the U. S. Navy during the late war, have examined the same and report:

The evidence in this case is substantially stated in the accompanying House report, and is adopted as the report of this committee.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13332) granting a pension to Anna C. Dewhurst, submit the following report:

Anna C. Dewhurst, now 37 years of age, is the invalid daughter of George Dewhurst, who served as acting master, U. S. Navy, from December 2, 1861, to July 18, 1865, when honorably mustered out, and who died of disease contracted in the service, September 4, 1870. His widow was in receipt of pension until her death. The beneficiary named in the bill is shown by medical and other evidence to be entirely disqualified for obtaining support by her own efforts by reason of spinal troubles, from which she has suffered from infancy, and which disease is incurable. She is now, and has been for years, supported out of the small earnings of a sister who is a teacher of music, and would, in case of death of the latter, be thrown entirely upon the charity of outsiders.

The facts in the case are well known to the Hon. Henry Watterson and other prominent citizens of Kentucky, who are urging favorable action on behalf of this unfortunate woman.

The liberality of Congress in many similar cases warrants your committee in returning the accompanying bill with the recommendation that it do pass, amended, however, by striking out the word "twenty-five," in line 9, and insert therein instead the word "twelve."

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2530.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 5924.]

The Committee on Pensions, to whom was referred the bill (H. R. 5924) granting a pension to Drusilla A. Sherwood, late a nurse in the United States hospital at Keokuk, Iowa, have examined the same and report:

After examining this case the committee adopts the report of the House committee hereto attached.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5924) granting a pension to Drusilla A. Sherwood, submit the following report:

The beneficiary of this bill was a nurse at the general hospital at Keokuk, Iowa, from January 9, 1863, to May 22, 1863, and during the time of such service discharged her duties in a satisfactory manner. She is now of that age that she can not longer support herself by her labor and is greatly in need of assistance.

Your committee regard this case as coming within the policy of Congress in respect of this class of nurses, and therefore recommend that the bill be amended by striking out the word "twenty," in line 6, and inserting "twelve," and that, so amended, it pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2531.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8226.]

The Committee on Pensions, to whom was referred the bill (H. R. 8226) granting a pension to James H. Fleming, Company E, One hundred and fifth Ohio Volunteer Infantry, have examined the same, and report:

Upon an examination of the evidence in this case, the committee find the facts clearly set forth in the appended House report, and adopt it as their own.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8226) granting a pension to James H. Fleming, submit the following report:

The soldier enlisted August 11, 1862, and discharged June 3, 1865. Basis of claim, injury to knee in battle, which finally resulted in amputation of the leg. The claim was rejected in the Pension Department on the ground of want of connection of injury with any service. The committee have carefully examined the record in this case, and find the following facts established: That the soldier was a sound and healthy man when he entered the service, and that he was a good soldier, as proven by his officers, and they also testify to his high character for truth and veracity. The soldier swears that in battle at Jonesborough, Ga., he was thrown and injured his knee, and the same gradually grew worse until he was compelled to submit to amputation, in 1886.

Several comrades testify that the soldier was sound and well when he went into the battle and that he complained of injury when he came out and that he was lame ever since and continued to complain of the injury in the knee, and that the limb was finally amputated. There is no injury shown to this soldier except the one mentioned by the soldier and the Department of Pensions evidently thought that as the leg was not amputated until twenty years after the injury it might be traced to some other cause than the injury in battle, but the committee fail to find any such testimony in the record and in the absence of any testimony showing some other injury the committee think they are warranted in believing the soldier's sworn statement, and his witnesses and that his injury is due to his army service, and we therefore recommend that said bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2532.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 2518.]

The Committee on Pensions, to whom was referred the bill (H. R. 2518) granting a pension to Ozro Warrington, late private in Company H, First Regiment Iowa Cavalry Volunteers, have examined the same and report:

After an examination of the evidence in this case the committee find the facts as stated in the subjoined House report, and adopt it as their own.

[House Report No. 1939, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2518) granting a pension to Ozro Warrington, submit the following report:

The claimant, Ozro Warrington, enlisted in Company H, First Iowa Cavalry, on the 16th day of September, 1861, to serve for three years, or during the war; re-enlisted as a veteran January 4, 1864; was honorably discharged at the muster out of his company February 15, 1866, at Austin, Tex., having faithfully served for 4 years 4 months and 29 days. The claimant made application for pension in the year 1880, alleging that he contracted pleurisy from hard riding about November, 1864, but afterwards amended the date to July, 1864. Claimant alleges that he was treated for his disability, as stated, in regimental hospital, but the Surgeon-General's Office shows no record of treatment.

Maj. William S. Wisenand, who was captain of the soldier's company, makes affidavit that on or about the 15th day of July, 1864, while in line of duty, in the State of Missouri, running after bushwhackers, the claimant incurred pleurisy; that from the date of this injury the claimant was very much afflicted during the remainder of his service; that he was with soldier since his enlistment in 1861; that he was in good health immediately preceding the time referred to above. The claimant alleges that the physician who first treated him after discharge is dead, and that he is unable to secure the testimony of regimental surgeon as to treatment in hospital. Lieut. Samuel T. Craig, of claimant's company, testifies that on or about the 15th day of March, 1865, claimant went to him and said his side hurt him so that he could not wear belt or saber on account of pleurisy or swelling of side; that he, Lieutenant Craig, was at that time assistant adjutant-general on the staff of Gen. E. D. Osband, and that on account of claimant's inability for service in the field he had him detailed as orderly at headquarters. Isaac N. Hosford testifies that he has been intimately acquainted with claimant since 1869; that he has frequently and often heard him make complaint of pleurisy pain in his side.

Dr. George W. Morrison, a practicing physician, testifies that he has known claimant since 1881; that he first examined and treated him for chronic splenitis in January, 1882; that he has frequently examined and treated him since.

Dr. J. T. Davis in 1885 testifies that he has treated claimant for chronic hypertrophy of the spleen a number of times during the past 3 years. Dr. Hyatt also testifies to his having treated soldier in 1888, agreeing with the other physicians in diagnosis of disability.

The claim was rejected at the Pension Office in 1886; reasons stated: No record of disease, and claimant unable to furnish required medical evidence.

Your committee are of the opinion that the evidence of claimant's captain, corroborated by his lieutenant, clearly establishes the incurrence of claimant's disability. Owing to the death of the physician who first treated claimant after discharge there is a break of a few years in the chain of medical testimony, which missing link is at least partially restored by the evidence of Mr. Hosford, and since 1891 we have a continuous chain of medical evidence which, to the minds of your committee, establishes beyond a doubt the justness of the claim; therefore your committee give it favorable report and recommend the passage of the bill.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2533.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8170.]

The Committee on Pensions, to whom was referred the bill (H. R. 8170) granting a pension to Elizabeth Kelly, mother of George D. Kelly, late private in Company G, Twenty-third Illinois Volunteer Infantry, have examined the same and report favorably.

The facts are stated in the appended House report, which we adopt.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8170) granting a pension to Elizabeth Kelly, submit the following report:

The claimant is the dependent mother of George D. Kelly, who enlisted December 29, 1861, and was discharged July 15, 1865, and died December 22, 1877. The claim was rejected on the ground that the death of the soldier was not due to his Army service. The testimony in this case is very voluminous, all of which has been examined by the committee, and the conclusion reached that this soldier was taken sick at Rienzi, Miss., in 1862, with lung fever, from which he never recovered and of which he finally died. These facts are fully proven by a great number of witnesses.

There is some question in the record as to whether the soldier was ever married or not, some testimony tending to show that he was, and a great deal of other testimony showing that he was not married, and one of the examiners states in his report that he is of the opinion that the soldier was never married. No person has ever been found who claims to be the wife of the soldier, and it is now thirteen years since the death of the soldier, and no claim has ever been made for a pension as a widow of the soldier. and if he was ever married, and such wife had not been heard of for thirteen years, there would be a presumption of death. The dependence of the mother is fully proven and she is now very old, and the bill is reported back with a recommendation that the same do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2534.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4779.]

The Committee on Pensions, to whom was referred the bill (H. R. 4779) granting a pension to William Reeder, Company E, Fifty-seventh Regiment of Missouri Enrolled Militia, have examined the same and report:

They have examined the case fully, and find the facts as stated in the House report, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4779) granting a pension to William Reeder, submit the following report:

William Reeder filed a claim in the Pension Office April 13, 1880, alleging that while a member of Company E, Fifty-seventh Missouri Enrolled Militia, a piece of a gun cap struck his right eye, resulting in loss of hearing and loss of sight of the right eye, all of which occurring in October, 1861, while ordered to discharge their muskets and to reload them preparatory to going in pursuit of the enemy; and in support of said claim he filed the testimony of his captain and of an enlisted man of his company corroborating his allegations, also medical and lay testimony as to continuance of said disabilities to the present time, resulting also in affection of the sight of the left eye. A medical examination held in December, 1881, revealed total loss of sight of right eye, loss of hearing of right ear, and impaired hearing of the left ear.

The adjutant-general of the State of Missouri reported to the Pension Office that Mr. Reeder's name appeared on the rolls of Company E, Fifty-seventh Enrolled Missouri Militia, but that said regiment was not mustered into the service of the United States, and the claim was consequently rejected by the Pension Office in January, 1883, on the ground that under section 4693, Revised Statutes, paragraph 3, claims of State militiamen can only be valid if prosecuted to a successful issue prior to July 4, 1874, and his claim not even having been filed until April, 1880.

That claimant received the injury to eyes while in the line of duty is fully established, as heretofore stated, and in the opinion of your committee he should be pensioned therefor.

The bill is therefore returned with the recommendation that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2535.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13589.]

The Committee on Pensions, to whom was referred the bill (H. R. 13589) granting a pension to Lydia B. Gray, late Army nurse, under direction of Miss Dorothea L. Dix, have examined the same and report:

The facts in this case are substantially stated in the subjoined House report, which is adopted as the report of this committee, with the recommendation that the bill do pass.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13589) granting a pension to Lydia B. Gray, submit the following report:

Lydia B. Gray entered the hospital service under Miss Dix in August, 1862, and continued therein until August, 1864, when sickness and death in her family compelled her retirement therefrom. She held responsible positions in hospitals at Georgetown, Washington, and Annapolis, and her services were highly appreciated by Miss Dix and the several surgeons in charge, as appears from the flattering testimonials on file.

Mrs. Gray is now 77 years of age, in poor health, and without any means of support. Her only son served three years during the war, and, broken down in health, is hardly able to support his own family.

The case is one of merit and within the line of numerous precedents.

The bill is therefore returned, with the recommendation that it do pass, amended, however, by striking out the words "twenty-five" in line 7, and insert therein instead the word "twelve."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2536.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6838.]

The Committee on Pensions, to whom was referred the bill (H. R. 6838) granting a pension to Angus McVigor, late of Company G, Fifteenth Regiment United States Infantry, have examined the same and report:

Upon an examination of the evidence in this case the committee find the facts clearly set forth in the appended House report, and adopt it as their own.

[House Report No. 3918, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6838) for the relief of Angus McVigor, of Lowell, Mass., submit the following report:

Angus McVigor is now a pensioner at the rate of $4 per month, for left varicocele incurred while serving as corporal of Company G, Fifteenth Regiment United States Infantry. He also suffers from disease of stomach and bowels, bronchitis, disease of heart, and defective vision, alleged to be the result of a fever while in a prior service in the Navy, and measles contracted in the Fifteenth United States Infantry. But his claim therefor has been rejected on the ground of prior unsoundness.

It appears that McVigor enlisted in the Navy January 21, 1864, and served on the *Princeton*, *Philadelphia*, and *New Hampshire*, and was discharged October 25, 1864, on account of disease of lungs. The medical records of the Navy show that he was "admitted to treatment for catarrhus August 13, 1864. Complained of cold and pain in right breast, afterwards of weakness about heart, palpitation and loss of appetite. Again came under treatment September 4, 1864, record showing that sailor has gradually lost flesh and strength, has a violent harsh cough, severe pain in chest, palpitation of heart and dyspnœa. Disability did not originate in line of duty."

On November 15, 1864, McVigor again enlisted, as heretofore stated, in Company G, Fifteenth United States Infantry, and on March 21, 1865, was admitted to hospital with measles, where he remained under treatment until July 6, 1865, when discharged upon surgeon's certificate of disability by reason of "chronic bronchitis with extreme debility, following an attack of measles, for which he was admitted to this hospital in March last. Disease contracted since enlistment. Disability total."

McVigor has been totally disqualified for the performance of any manual labor ever since discharge from the service, and during this entire period been dependent upon his devoted wife for support.

The only obstacle in the way of getting a pension commensurate with the degree of his disability is the adverse record of the Navy Department. It is well known to all who have had experience in the settlement of Navy pension cases that unless the incurrence of a disability comes under the personal observation of the medical officer making an entry of treatment therefor, such entry will almost generally be "not originated in line of duty," or "existed prior to enlistment."

Aside from the unreliability of the Navy records, there are other reasons why this soldier's claim should not be entirely ignored. He served in the Army subsequent to his discharge from the Navy for several months before he came under treatment for measles. It was no ordinary case of measles, for he never left the hospital until,

more than 3 months thereafter, he was discharged with every evidence of the damaging sequences of that disease. His condition is deplorable. Only aided by his faithful wife is he able to appear before your committee. A most thorough special examination of the case failed to disclose any cause for this condition, except that which is alleged by the claimant, and, at least in part, sustained by the record.

In view of all the facts in the case, your committee are clearly of opinion that relief can not come too soon, and, therefore, report favorably on the accompanying bill; amended, however, by striking out all after the word "McVigor," in line 4, and insert therein instead the words "late of Company G, Fifteenth Regiment United States Infantry, upon the pension roll at the rate of thirty dollars per month in lieu of the pension now received by him;" also, by striking out the words "of Lowell, Massachusetts," in the title of the bill.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2537.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13224.]

The Committee on Pensions, to whom was referred the bill (H. R. 13224) granting a pension to Emily M. Tyler, widow of the late Erastus B. Tyler, a brevet major-general of United States Volunteers, have examined the same and report:

They have carefully examined this case and find the appended House report correct, adopting the views therein expressed as the views of this committee.

[House Report No. 3928, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13224) granting a pension to Emily M. Tyler, submit the following report:

The bill proposes to pension Mrs. Emily M. Tyler, the widow of the late Brig. and Bvt. Maj. Gen. Erastus B. Tyler, who died January 9, 1891.

Erastus B. Tyler entered the service as colonel of the Seventh Regiment Ohio Volunteers, 3-month organization, April 25, 1861, and mustered in as colonel of the same regiment for 3 years in June, 1861. He continued in command of his regiment until May 20, 1862, when promoted to brigadier-general for gallantry on the field.

The regiment of which he was colonel and the brigade which he commanded were in action at Cross Lanes, W. Va., August 26, 1861; Winchester, Va., March 23, 1862; Port Republic, June 9, 1862; Cedar Mountain, August 9, 1862; Antietam, September 17, 1862; Chancellorsville, May 1, 2, 3, and 4, 1863; Gettysburgh, July 2 and 3, 1863; Lookout Mountain, November 24, 1863; Mission Ridge, November 25, 1863; and many others. He was appointed major-general by brevet March 13, 1865, and finally mustered out on August 24, 1865.

General Tyler was conspicuous for hard fighting and successful results. He received severe injuries of left side of body and side of head by fragments of a shell, and suffered from intestinal troubles for some time, as shown by the record.

Dr. James H. Butler, of Baltimore, Md., testifies that his acquaintance with General Tyler commenced during the war. He was then suffering from the effects of injuries received in battle. A shell burst near him, and spent fragments from it struck him upon the left side of the body and upon the left side of his head. The injury of the head was the most serious one in the opinion of the affiant, the effects of which were shown by a hard, bony prominence as large as half a walnut, but General Tyler always considered the injury to side the worst. From the wound of the left side of head a gradual paralysis began, first noticeable in the right leg and then extending to the right arm, steadily increasing in force. Finally the disease grew so that the paralysis reached the nerves which supply the intestines, and then paralysis of the body and death took place.

Dr. J. C. Monmonier also certifies that he became acquainted with General Tyler about 12 years ago. He was then suffering with pain in right arm, and occasionally with a numbness in his right leg. A partial paralysis of the arm and leg followed. Attended him a number of times during the period named and during his last illness. In affiant's opinion General Tyler's death was caused by obstruction of the intestines,

and subsequent inflammation of them and the peritoneum. This condition was produced by paralysis of the nerves supplying the intestines. The history of the paralysis can be traced to the wound he received on his head in battle.

General Tyler, although clearly entitled to and often importuned by his friends to apply for a pension, never applied. His widow is now in dependent circumstances.

The long and meritorious services of her late husband alone would entitle her to recognition at the hands of Congress even if the cause of his death were of doubtful origin. But in the opinion of your committee the connection with the service is clearly established, and Mrs. Tyler should be pensioned at the rate now so generally conceded to the widows of general officers.

The bill is therefore returned with the recommendation that it do pass, amended, however, by striking out all after the word "act" in line 9.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2538.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 2496.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2496) correcting the military record of Ireneus Shortridge, having considered the same, respectfully report, adopting the language of the House report.

Ireneus Shortridge, a minor, enlisted in Company B, Sixty-third Indiana, February 15, 1862, but is reported on the muster-roll October 31, 1862, as having deserted. The record and pension division of the War Department makes the following report of the case:

Case of Ireneus Shortridge, late private Company B, Sixty-third Indiana Volunteers.

RECORD AND PENSION DIVISION, *May* 20, 1890.

Ireneus Shortridge, private Company B, Sixty-third Indiana Volunteers, was enrolled (as 18 years old) on February 15, 1862, to serve 3 years. He was present with his company on June 30, and August 31, 1862; but on the muster-roll of October 31, 1862, he is reported "Absent, deserted September 28, 1862, Indianapolis." He never returned to his company, which was retained in service until May 3, 1865. The muster-out roll gives as date of his desertion October 16, 1862.

The records on file at the War Department fail to show that he was ever arrested; but a transcript from the records of the Cass County (Indiana) circuit court shows that a writ of habeas corpus was issued on a petition of Samuel Shortridge for release of his son from service as a soldier; that the cause was heard before Horace P. Biddle, presiding judge, eleventh circuit, Indiana, on December 2, 1862, and that the judge made the following order: "December 2; parties appeared, pleadings were had, and evidence heard. It appearing that the said Ireneus enlisted without his father's consent before he was 18 years old he is discharged."

No testimony is on file in the War Department to show the whereabouts of this soldier from about September 28, 1862, when he is reported as having deserted, until pronounced released from service as a soldier, on December 2, 1862, by the judge of a State court, which is held not to be a court of competent jurisdiction to release soldiers from the service of the United States.

His application for removal of the charge of desertion was rejected in 1886 because the records fail to show that this soldier was taken from his company by writ of habeas corpus, but on the contrary show that he deserted two months prior to the proceedings in his case by a State court.

Since 1886 the status of the case has not been changed.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

The father of Ireneus testifies that the boy came home on furlough sick, and was utterly unable to return at the date of its expiration, and continued ill and unable to travel, and that he proceeded to the Cass

circuit court, State of Indiana, and successfully prosecuted a writ of habeas corpus for his release. The affidavit of the father, Lemuel Shortridge, who is vouched for by Representative Owen as a most reputable gentleman, is as follows:

STATE OF INDIANA, *Jasper County, ss:*

Lemuel Shortridge, first being duly sworn, on his oath says his son Ireneus, late of Company B, Sixty-third Indiana Volunteer Infantry, came home from Indianapolis, Ind., on three days' furlough, on or about September 25, 1862, and did not return to his regiment at the expiration of his said furlough on account of his being very sick, so much so that he was totally incapacitated from travel, or being otherwise removed. Affiant further swears that he notified Col. William Williams, commanding officer of the Sixty-third Indiana Volunteers, that his son was unable to return on account of sickness. The said colonel, by threats of force, demanded his return, upon receipt of which I at once informed him that I would institute habeas corpus proceedings, which I did, and had him discharged December 2, 1862. Affiant further swears that during the interim which elapsed between his son's furlough and discharge (from September 25, 1862, to December 2, 1862) he was at home, and was with and under his control.

LEMUEL SHORTRIDGE.

Subscribed and sworn to before me this 21st day of July, 1890.

JACOB M. TROXELL,
Justice of the Peace.

Your committee recommend the passage of the bill.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2539.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7184.]

The Committee on Pensions, to whom was referred the bill granting a pension to Ellen Finnerty, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7184) granting a pension to Ellen Finnerty, submit the following report:

Ellen Finnerty is the dependent mother of Thomas P. Finnerty, who was a member of Company K, First Massachusetts Infantry. Thomas P. Finnerty was a good soldier, and was wounded in the head by gunshot wound in action; from this wound epilepsy was developed, and with which he was afflicted up to the date of his death. Ellen Finnerty is 72 years old, almost totally helpless and destitute, and for years prior to the death of her son depended on him for support, he remaining single and using his earnings to support her. She applied for a pension, which was rejected on the ground that the soldier's death was not attributable to his army service.

The testimony shows that the soldier was killed by being thrown from a railroad track by a locomotive. One witness testifies that she saw him walking on the railroad track in front of an approaching train, carrying his shoes in his hands and gesticulating wildly with his arms, and he was found dead in close proximity to where she saw him, with one leg broken and body bruised, undoubtedly by the engine before mentioned.

The evidence shows he was often afflicted with epileptic attacks and when so afflicted would at times seemingly be insane and violent before a spasm would intervene. He was a man of exemplary habits, sober and industrious.

Your committee believe from all the testimony in this case that the soldier came to his death by reason of an attack of epilepsy, and that therefore this bill should pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2540.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7473.]

The Committee on Pensions, to whom was referred the bill for the relief of George P. Hartman, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7473) granting a pension to George P. Hartman, submit the following report:

The soldier enlisted June 16, 1863, and was discharged July 26, 1863. The basis of claim is inflammatory rheumatism contracted in the service.

The claim was rejected in the Pension Office on the ground that there was no hospital record and the soldier was unable to show incurrence of injury according to rules of the Pension Office.

It is in evidence in the record by the soldier himself and S. F. Hartman that when the soldier enlisted he was a sound, healthy man, and that during the Gettysburgh campaign the soldier was exposed to rain for 3 days, and was constantly wet during that time, and after that the soldier had rheumatism, and is still suffering with the same.

Other witnesses testify to the incurrence of the disability of the soldier, and the committee are of opinion that the soldier contracted rheumatism in the manner stated in the record, and that it has continued to grow worse, until now it is rated by the medical board of examining surgeons at second grade locomotor ataxy. We recommend that the bill do pass

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2541.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9772.]

The Committee on Pensions, to whom was referred the bill for the relief of Margaret Malloy, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9772) granting a pension to Margaret Malloy, submit the following report:

Claimant is the dependent mother of James Malloy, who enlisted June 25, 1862, and was discharged October 23, 1864, and thereafter served in Captain Knowles's company of special scouts, and while on such duty as a special scout in advance of the command of Gen. A. J. Smith, on the march from Mobile to Montgomery, was, on or about April 20, 1865, shot and killed. This claim was rejected in the Pension Office on the ground that the death of the soldier was after his discharge from the regular service, and while enrolled as special scout. The testimony of General Canby, of Captain Knowles, and others show the soldier to have been a man of remarkable daring and courage, and that his services were of an exceptional order. He was the support of his mother, who is now old and poor, and cared for by the charity of the Little Sisters of the Poor.

In view of the foregoing your committee recommend the bill do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2542.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8856.]

The Committee on Pensions, to whom was referred the bill for the relief of James A. Hull, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8856) granting a pension to James A. Hull, have considered the same and report as follows:

The claimant's son, Chauncy A. Hull, entered the service as a private in Company H, One hundred and ninth New York Volunteers, on the 13th of August, 1862, at Binghamton, N. Y., and he is borne on the rolls as present to April 30, 1863. He was discharged the service May 6, 1863, on surgeon's certificate of disability, which states that "he has suffered for the last 4 months with dyspepsia very severely and has proved himself incompetent for duty on account of idiocy."

He again enlisted December 25, 1863; this time in Company B, One hundred and ninth New York (the same regiment in which he served his first term), and died on or about October 14, 1864, in Fifth Army Corps field hospital, City Point, Va.; cause of death not noted in the records.

James A. Hull, the father of the soldier, filed an application for pension November 11, 1879, alleging partial dependence upon the soldier at the time of the latter's death. This claim was rejected March 7, 1887, on the ground that death cause is unknown and dependence not established.

The claim was subsequently reopened by the Pension Bureau and sent out for special examination, but on July 14, 1888, it was again rejected on the ground "that soldier did not recognize his obligation to support his father, and died by reason of his own mental incapacity to take care of himself."

It is not denied that the soldier was not "bright," but the testimony as to the extent of his mental deficiency is conflicting. It seems, however, that his mental incapacity was not such as to prevent the Government from twice accepting his services as a soldier in the same regiment. As to death cause: The evidence adduced upon the special examination of the case shows that for some time prior to his going to hospital the soldier suffered severely from disease of the liver or bowels, and there is nothing to rebut the presumption that naturally arises that he died of said disease. He died while still in the service.

The testimony shows that at and for some time prior to the time of the soldier's death his father, James A. Hull, was in poor health, being incapacitated to a considerable extent for the performance of manual labor by reason of rheumatism. In addition to this, it is shown that he was then and has been ever since a very poor man. He is now 78 years old and in destitute circumstances.

The claimant and other members of his family state under oath that the soldier contributed to his (the claimant's) support by sending him money from the Army, and that he made other contributions to his father's support. Many of the witnesses testify that they have no knowledge that the soldier ever contributed anything to

his father's support, and believe him to have been mentally incapable of doing any work by which he could be enabled to aid his father. It is shown, however, that the soldier did fatigue duty, such as wood-chopping and work around the cook-house while in the service, and your committee believe that if he could do work of that character he could also do such work around a farm as would aid his father and family. It also appears that the claimant lived in a thinly settled district, and the soldier could have done much in the way of farm work and other contributions to the support of the father and family without the fact becoming known to any one outside of the family.

It is apparent that if the relief contemplated by the bill is granted the claimant can not, in view of his great age and disabled condition, remain long upon the bounty of the Government.

After a revisw of all the facts, your committee return the bill with the recommendation that it do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2543.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9431.]

The Committee on Pensions, to whom was referred the bill (H. R. 9431) granting a pension to Jane Fee, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 9431) granting a pension to Jane Fee, have considered the same and report:

The claimants late husband, Michael Fee, was a private in Company G, Second United States Infantry, and served from October 20, 1841, to August 29, 1846. During the last 3 months of his service he was on recruiting duty at Binghamton, N. Y.

The soldier died April 11, 1885, and after the passage of the Mexican war service pension act in January, 1887, his widow (this claimant) filed an application for pension under that act, but the same was rejected by the Pension Bureau on the ground that the soldier was not at the seat of war, nor en route thereto, at any time during his term of service.

Mrs. Fee's identity as the widow of Michael Fee is fully established by the testimony of Michael McBride, Elijah Castle, and others. It is further shown by testimony submitted to your committee that the claimant is in bad health and very poor. She is now about 57 years old and dependent almost entirely upon her friends and children for support.

Your committee have recognized the justice of applications of this character in a general bill reported to the House at this session, and the bill for the relief of Jane Fee is therefore reported back with a favorable recommendation.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2544.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9423.]

The Committee on Pensions, to whom was referred the bill (H. R. 9423) for the relief of Charles Ewing, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9423) granting a pension to Charles Ewing, submit the following report:

The claimant, Charles Ewing, served nearly 3 years in Company D, Twelfth New York Cavalry. He filed a claim for pension April 25, 1887, alleging rupture of the abdomen and nervous prostration. The claim was rejected by the Department because he could not prove that this disability originated in the service. This the claimant could not prove for the following reason: While on duty with his company at or near Kingston, N. C., in the month of April, 1865, he was detailed to carry an order by General Schofield, who was then engaging the enemy. He was ordered to urge his horse to the utmost. Once, while so riding and crossing a small bridge, his horse broke through the bridge, falling and throwing him headlong upon the bridge. By this accident he received a rupture of the testicles and abdomen of a very serious nature, and also straining the cords of his back and neck.

He avers that he did not place himself under the surgeon's care for fear of the severe operations they would perform upon him; and, it being near the close of the war, he remained with his company, doctoring himself, and was shortly after mustered out with his company. He has ample proof of the existence of the disabilities from the physicians who have treated him from the year 1865 to the present time; also that of the examining board, who rate him as one-half disabled; also many of his neighbors, who have known him ever since the war, that he has never been able to do more than one-quarter of a man's work and that he has always been placed at a great disadvantage in a struggle for a living, and that he is now in a dependent condition, 65 years of age, and largely depending upon his aged wife, who does washing and laundry work.

He has always been a man of good habits, was a good and true soldier, and your committee, believing this a very meritorious claim, recommend the passage of the bill.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2545.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6800.]

The Committee on Pensions, to whom was referred the bill (H. R. 6800) granting a pension to Anne Mattocks, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6800) granting a pension to Anne Mattocks, submit the following report:

Anne Mattocks is the mother of Ichabod W. Mattocks, who enlisted in September, 1861, in Company A, First Vermont Cavalry, and died July 15, 1864, of wounds received in action.

It appears that while home on furlough in the spring of 1864, he married a woman who was recognized by the Pension Office as his widow, and was paid a pension until her remarriage in May, 1865.

Having left a widow surviving him, the mother's claim had to be rejected by the Pension Office. The claimant was deserted by the father of the soldier as early as 1845. She obtained a divorce from him in 1852, and has remained single ever since. Another son died while in service, and the third son contracted disease in the Army and died from its effects after discharge.

Anne Mattocks was supported by her sons, the one on whose account she claimed pension being the principal contributor, as it appears from the evidence on file. She has by her own efforts managed to eke out an existence, but being now 76 years of age has become dependent upon her friends for support.

Your committee are of opinion that the case is meritorious, and therefore report favorably on the accompanying bill, and ask that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2546.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 6792.]

The Committee on Pensions, to whom was referred the bill (H. R. 6792) granting a pension to Hetta Brainard, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The claimant made application for pension May 4, 1885, declaring that her husband, Louden Brainard, deceased, volunteered at Randolph, Vt., and rendered service at the invasion of Plattsburgh, N. Y., in the war of 1812. This claim was rejected by the Pension Bureau upon the ground that no record of the soldier's service could be found.

Your committee find, however, that under date of April 3, 1886, the adjutant and inspector-general of the State of Vermont swears that he has in his custody the military records of the war of 1812 for the State of Vermont, and finds among the members of the Randolph volunteers, commanded by Capt. Lebeus Edgerton, the name of Louden Brainard. The time of service is not given, however, nor is it stated on the records whether the company participated in the engagement at Plattsburgh, N. Y.

The widow declares that, from what she heard her husband say, he must have served 3 months or more in said war, but owing to the length of time that has elapsed she is unable to furnish the proof required by the Pension Bureau. From statements made in her application to the Pension Bureau it appears that the claimant is now about 89 years old. The soldier died in January, 1865, and the claimant's identity as his widow is established by the testimony of William H. Havens and H. T. Brown.

The passage of the bill is recommended with the following amendment: Add to the bill, after the last word, the words "and allow her a pension at $12 per month."

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2547.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11575.]

The Committee on Pensions, to whom was referred the bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett, have considered the same and report as follows:

John Dorsett, the claimant's son, enlisted on the 23d of March, 1847, in Company C, Ninth United States Infantry; transferred to Company G, same regiment. He was killed in action at Chapultepec, Mexico, September 13, 1847.

In his petition for relief the claimant, Sylvanus B. Dorsett, declares that he is the father of the above-named soldier, and that he is aged and infirm, having been born June 7, 1802. He further declares that he lives alone, has no means of support, and is dependent entirely upon charity.

His post-office address is Sligo Falls, Cumberland County, Me.

Edwin R. Wingate, Gideon M. Tucker, Frank A. White, and twenty other citizens of claimant's vicinity vouch for the truthfulness of the claimant's statements and ask that the claimant be granted a pension.

No pension on account of the service and death of the soldier, John Dorsett, has ever been granted to any one.

The act of Congress passed at the present session, providing among other things for a pension to the dependent parents of the deceased soldiers of the war of the rebellion, does not include within its scope the aged and dependent parents of soldiers of prior wars, and the only way of affording this claimant the relief he stands in so much need of is by special act.

The passage of the bill is recommended.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2548.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PASCO, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 3223.]

The Committee on Claims, to whom was referred the bill (H. R. 3223) for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy, having given the matter careful examination, respectfully submit the following as their report thereon:

The claimants are the surviving children and heirs at law of Mary J. Eddy, late of Shawneetown, Ill., deceased. Mrs. Eddy at the beginning of the late war owned and possessed a farm of about 230 acres in Gallatin County, near Shawneetown, Ill., in which her two younger children seem to have had an interest. There was a brick dwelling house upon the farm and suitable outbuildings, and the place was in good condition. It was her home and she was supporting her family from the proceeds of the farm which was worked under her direction.

In October, 1861, under an arrangement made by Col. Robert Kirkham of the Fifty-sixth Illinois Infantry, the place was taken possession of for the use of the United States troops who might be sent there. The place was known as Camp Mather; the dwelling house was used for an army hospital and for military headquarters, and the farm for a camp and drill grounds. Mrs. Eddy was to receive $1,000 a year as rent, together with all damages she might sustain by the occupation of the place. The lease was in writing but was not produced in evidence for it could not be found at the time the evidence was taken. Two witnesses, however, testified that they had seen it and their statements as to its contents were admitted by the board which last investigated the claim. The occupation continued to March 19, 1862, and the Sixth Illinois Cavalry, as well as the regiment of infantry mentioned, were upon the place during this time, and it was also occupied by the Eighty-seventh Illinois Infantry.

Immediately after they left three commissioners were appointed by Colonel Kirkham to ascertain and report the damage and injury done to the place, one of these commissioners seems to have been named by Mrs. Eddy. They reported that there was justly due her $2,869 as damages. This result was at first accepted and Mrs. Eddy states that she received a voucher for the amount of the award, but in some way, not clearly stated in the record, the payment of the voucher was stopped, the Government failed to carry out the action of the board, and other commissioners were appointed who, it is charged, made but a partial examination of the case and decided that there was but $509.50 due Mrs. Eddy, which she received; but there is no evidence that she accepted it as a settlement, and she certainly was not satisfied with it and continued her efforts to obtain a larger amount.

She and her son claimed that this commission was authorized to report only as to the wood used by the troops, the former report not stating in cords the quantity consumed. One of her sons was in the Army when the camp was established upon the place, and she could not remain there after its occupation by the troops and removed to the neighboring town. She did not write to him about her troubles because she did not wish to make him dissatisfied. He went home on a short visit about 2 years later, and finding what her situation was urged her to continue her efforts. She at last wrote a personal letter to President Lincoln January 16, 1865, and stated her case very fully and in an earnest and feeling manner. A copy of it is among the papers sent to the committee from the War Department. It is indorsed as follows:

Respectfully referred to Major-General Hooker, Comdg. Northern Department.

W. A. NICHOLS,
Asst. Adjt. Gen'l.

A. G. OFFICE, *Jan.* 31, 1865.

Through successive references and indorsements it reached the headquarters of the district of Illinois at Cairo, where E. T. Sprague, the colonel commanding, as directed by Brigadier-General Crook, appointed a board of investigation. His order reads as follows:

SPECIAL ORDER
No. 33.

Capts. G. M. Humphrey and M. C. Nichols, Forty-second Wisconsin Volunteers, are hereby appointed a board for the investigation of the claim of Mrs. Mary J. Eddy, of Shawneetown, Ill., against the United States. They will proceed to Shawneetown, Ill., without delay, investigate and report according to instructions furnished them. Quartermaster Department will furnish necessary transportation.

By order of Col. E. T. Sprague, commanding post.

T. S. KIDD,
First Lieutenant and Acting Assistant Adjutant-General.

The following is a copy of the instructions:

HEADQUARTERS, CAIRO, ILL., *February* 10, 1865.

Capt. G. M. Humphrey, acting assistant inspector-general, and Capt. M. C. Nichols, both of the Forty-second Wisconsin Volunteers, will constitute the board ordered by Brigadier-General Cook to investigate this case. They will visit Mrs. Eddy, will inspect the premises mentioned personally, take reliable testimony as to their condition when taken for Government use and as to the nature and amount of damages, and report thereon in detail item by item. They will report separately on the value of the rent of the premises and the time the same were used. One clerk is allowed the board.

E. T. SPRAGUE,
Colonel, Commanding Post.

The board visited the farm February 14, 1865, took the testimony of a number of witnesses, and made a report based thereon, and found that there was due to Mrs. Eddy the sum of $2,749.66, less the amount of $759.50, which she had received ($250 as rent and $509.50 on the report of the second board), leaving $1,990.16, the amount mentioned in the act of the House, which has been referred to the committee.

This report reached Colonel Sprague and was forwarded by him, February 24, 1865, to General Cook and reached General Hooker in due course, March 1, 1865, who sent it to the War Department, and it reached the Inspector-General's Office. This officer, Col. J. A. Hardie, decided that no relief could be given except by the action of the Congress, as the case had been closed in the Department when the Government had settled upon the former award. His order is dated March 10, 1865.

The death of President Lincoln followed soon after, and the action of Colonel Hardie stopped all further proceedings without an opportunity of further appeal to him to carry to a conclusion the proceedings he had set in motion after receiving her complaint. The War Department having decided that its jurisdiction was exhausted and that Congress alone could give her relief, Mrs. Eddy had a bill introduced in her behalf in the House of Representatives and a like bill in the Senate of the Forty-third Congress in 1874, but no report was made upon either. In the Forty-fourth Congress her petition was presented asking for relief, and was referred, with a bill in her behalf, to the Committee on Military Affairs of the House, but no further action was taken. Bills of a similar tenor have been introduced in the House of Representatives of nearly every Congress since then in her behalf during her lifetime, and in behalf of her heirs since her decease. In one instance an adverse report was made upon the ground that the original claimant was bound by the action which was taken upon the report of the second board of commissioners.

In the Forty-ninth Congress, and again in the last, favorable reports were made based upon the report of the commissioners appointed upon the action of President Lincoln, but no action was taken by the House of Representatives upon either report. During the present Congress the case has again come before the House and another favorable report has been made by the Committee on War Claims. Upon this report the bill before us was there passed and is now before us for consideration and action.

The report of the board of commissioners seems to be sustained by abundant testimony.

The claim arose in a Northern State, away from the immediate theatre of the war. The original claimant was entitled to the protection of her contract. The amount found by the board was due her thereunder. She exercised reasonable diligence in pressing her claim during her lifetime, and so have her heirs since her decease.

The committee therefore recommend that the bill as it has come from the House do pass.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2549.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7251.]

The Committee on Pensions, to whom was referred the bill (H. R. 7251) granting a pension to Christian Pape, have examined the same, and report.

Your committee adopts the report submitted by the Committee on Pensions of the House of Representatives, and recommends the passage of the bill.

The House report is as follows:

Claimant enlisted in Company D, Twelfth Missouri State Militia Cavalry, January, 3, 1862; was discharged therefrom on certificate of disability February 28, 1864, said certificate showing that claimant was incapacitated for performance of the duties of a soldier because of varicose veins in his legs; that said disability was three-fourths total, rendering him unfit for service in the invalid corps. Claimant filed application for pension May 22, 1882, alleging that in the fall of 1862, while on a forced march from Jackson to Bloomfield, Mo., and on the second day's march he was first disabled by varicose veins. His claim was rejected at the Pension Office because the certificate of disability for discharge shows that the varicose veins of left leg existed prior to enlistment. Claimant took an appeal, and the Assistant Secretary, in his review, states that claimant admits that he had varicose veins in left leg very slightly previous to enlistment; therefore affirmed former rejection. Several witnesses testify to their intimate acquaintance with him and to his soundness previous to enlistment.

The Adjutant-General's report shows claimant present for duty until September, 1863. Surgeon-General's report shows that claimant was first admitted to hospital in September, 1863. These facts, taken in connection with soldier's date of enlistment, prove that claimant performed his duty as a soldier for about 21 months, which is good evidence to your committee that claimant's disability previous to enlistment, if such disability existed, must have been very slight, and the Pension Bureau intimates disability prior to enlistment in left leg only, while the surgeon, in certificate for discharge, says "the dilation is extensive and implicates both legs."

Therefore your committee are of the opinion that soldier's present disability is very largely due to his service, and recommend that the bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2550.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8600.]

The Committee on Pensions, to whom was referred the bill (H. R. 8600) increasing the pension of William T. Rhodes, have examined the same and report:

Your committee adopt the following report, submitted by the Committee on Pensions of the House of Representatives, and recommend the passage of the act:

The claimant enlisted June 6, 1847, as a private in Company K, Twelfth United States Infantry, and served in the war with Mexico until January 12, 1848, when he was discharged on surgeon's certificate of disability on account of pulmonary consumption.

He filed an application for a pension in the Pension Bureau March 22, 1879, alleging that he contracted lung disease in Mexico, but the examining surgeon reported no disability existing from said disease, and the claim was rejected. He was subsequently granted a pension at $8 per month under the Mexican war service act, and the bill proposes to increase the same to $25 per month.

In his petition for relief the claimant avers that he has never recovered from the disease contracted in Mexico, and that he is now 65 years old, and owns no property whatever. He further states that his only source of income is his small pension, and he is obliged to depend for a support largely upon his wife and two children.

The truthfulness of the claimant's statements is vouched for by thirty-five neighbors and acquaintances, who indorse his petition. His inability to perform any manual labor by reason of nervous exhaustion and general physical debility is shown by the testimony of Dr. A. R. Scruggs, of Hart County, Ky.

In view of the facts stated, your committee are of the opinion that the case is a proper one for the action of Congress, and the passage of the bill is therefore recommended.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2551.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8445.]

The Committee on Pensions, to whom was referred the bill (H. R. 8445) granting a pension to Solomon Smith, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives, and recommend the passage of the act. The House report is as follows:

Solomon Smith enlisted in Company D, Eleventh Kentucky Infantry, on the 14th day of September, 1861, and faithfully served with his command until April 30, 1862, when he was sent to hospital in Nashville for treatment for chronic diarrhea and piles.

On the 6th of November, 1862, he was discharged for disability, his certificate bearing the following indorsement:

"I certify that I have carefully examined Solomon Smith, private of Captain Peay's company, and find him incapable of performing the duties of a soldier, because of chronic diarrhea of nine months' duration, and ascites.

"HUGH MULHOLLAND,
"*Surgeon in charge of General Hospital No. 8, at Nashville.*"

In 1880 Mr. Smith moved to Bad Axe, Mich., from his home in Kentucky. In 1887 he applied for a pension, but can not secure an allowance of claim on account of his inability to secure the testimony of neighbors and friends in Kentucky as to continuance of disability after service. He has written many letters to ascertain the whereabouts of his former neighbors, but his efforts have proven fruitless. He is unable to make a personal search for this testimony on account of his destitute circumstances, witnessed by the fact that he is in the poor-house. Ever since his arrival in Bad Axe he has been treated for chronic diarrhea and hemorrhage of the bowels, by Dr. Wm. H. Deady, who testifies that he is a complete wreck and almost helpless, and that his lower limbs are partially paralyzed, as a result of his rectal troubles.

The medical examination shows an extreme condition of disability arising from the causes for which Mr. Smith was discharged. The petitioner is now 71 years old.

Your committee have carefully examined this case and believe this soldier justly entitled to the relief sought. We therefore return the bill with a recommendation that it do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2552.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9564.]

The Committee on Pensions, to whom was referred the bill (H. R. 9564) for the relief of Ellen J. Wharton, have examined the same and report:

Your committee adopt the following report, submitted by the Committee on Pensions of the House of Representatives and recommend the passage of the act:

The committee believe that the act of June 9, 1880, was intended to include the widows of officers of the Army as well as those of the Navy.

Mrs. Wharton is the widow of William L. Wharton, surgeon, U. S. Army.

Her case is similar to that of Mrs. Jane M. McCrabb and others which have already received favorable action in the House.

The bill is returned with the recommendation that it do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2553.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7952.]

The Committee on Pensions, to whom was referred the bill (H. R. 7952) to increase the pension of Joel Hagler, of Henry County, Tenn., have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives and recommend the passage of the bill:

The House report is as follows:

The claimant served in Capt. James Gray's Company, Tennessee Militia, war of 1812, from November 13, 1814, to May 18, 1815. He is now a pensioner under the war of 1812 service-pension act of February 14, 1871, at $8 per month.

The claimant petitions Congress to increase his pension to $50 per month, declaring that he is nearly 95 years old, almost deaf, partially blind, and consequently wholly unable to earn a living by labor. He has no income whatever except his pension of $8 per month, which is insufficient to support him in comfort.

Hon. J. D. C. Atkins, Ex-Governor J. D. Porter, and other prominent citizens of Tennessee, certify that they have read the foregoing statement of the claimant and believe it to be true in every particular. They have known the claimant for over 50 years, and commend him as a worthy and honorable citizen.

George W. Upchurch and J. L. Hicks, men of good standing for respectability and credibility, swear that the claimant is very old, infirm, nearly blind, and deaf, and wholly unable to earn a living.

In view of the facts above stated, your committee recommend the passage of the bill.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2554.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7614.]

The Committee on Pensions, to whom was referred the bill (H. R. 7614) granting a pension to W. Zister, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives, and recommend the passage of the bill.

The House report is as follows:

That the claimant is the widow of Frank Zister, late a private in Company H, Twenty-seventh Missouri Volunteer Infantry; that the soldier suffered ever after his discharge from chronic diarrhea, which greatly debilitated him. This continued up to 1882, when he died of cancerous stomach. H. C. Dalton, attending physician, says in affidavit that he was suffering from diarrhea when admitted to hospital, and that this may have been the cause of the soldier's disease.

This claim was rejected in the Pension Office on the ground that the soldier's death was not the result of Army service.

Your committee believe that there is sufficient doubt in the case to warrant favorable action on the bill. The claimant is old and very poor, and the committee recommend the bill do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2555.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4168.]

The Committee on Pensions, to whom was referred the bill (H. R. 4168) for the relief of William Compton, have examined the same and report:

Your committee adopt the accompanying report submitted by the Committee on Pensions of the House of Representatives, and recommend the passage of the act.

HOUSE REPORT.

William Compton enlisted as private in Company I, Second Regiment Tennessee Cavalry, September 22, 1862, and was discharged on surgeon's certificate of disability March 9, 1863. The nature of the disability is not disclosed by the records of the War Department, nor is the certificate of disability on file.

On October 3, 1873, he filed an application for pension, alleging that about February, 1863, while driving an ambulance during the night, and about to cross the Stone River, Tennessee, he missed the ford, and the team went over the bank, falling in the river, he being thrown between the horses and on the tongue of the vehicle with such force that he was ruptured, from which rupture he has suffered ever since.

He furnished evidence of prior soundness, the testimony of the first lieutentant of his company and others as to incurrence of the disability in the service, and of neighbors as to existence of rupture at discharge. The claim would have been admissible upon the evidence presented, but for a letter written by one R. R. Reagan, when postmaster at Gatlinburgh, Tenn., who was also a member of claimant's company, in which the writer admits that Compton was hurt by going over the banks of Stone River and that he was also struck over the head at the same time with a gun in the hands of a Confederate, and that in consequence of the injuries was sent to hospital, but at the same time charges the claimant with prior unsoundness.

This adverse information sent the case in the field for special examination. When confronted by the special examiner Reagan denied all knowledge of a previously existing hernia, states that he heard it said that claimant was ruptured prior to enlistment, but could not name a single person who furnished him the information imparted to the Pension Office. The special examiner reports Reagan as unreliable.

The only adverse testimony obtained during the special examination was that of the divorced wife of the claimant, whose reputation for truth is reported by the special examiner as questionable. She testifies that at time of her marriage with Compton, which occurred before the war, he had some trouble in the abdominal regions which was greatly worse at his return from service, he, as she had been informed, having been hurt in the Army by being thrown out of an ambulance at Stone River. Compton was a hard-working man prior to enlistment, but much disabled after discharge. On the other hand, the evidence obtained by special examination as to prior soundness is overwhelmingly in favor of the claimant, while the injury at Stone River, and the existence of rupture following thereupon, is clearly established.

Notwithstanding this showing, the testimony of the divorced wife, who, aside from her lack of truthfulness as reported by the special examiner, is unquestionably biased against the claimant, formed the basis of the rejection of the claim on the ground that the evidence is not sufficient to show origin of the disability in the service.

Your committee, however, after carefully weighing all the evidence in the case, are of opinion that the claim is meritorious, and therefore report favorably on the accompanying bill and ask that it do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2556.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 10491.]

The Committee on Pensions, to whom was referred the bill (H. R. 10491) granting a pension to Halem L. Cook, of Franklin, Ky., have examined the same and report:

Your committee adopt the accompanying report, submitted by the Committee on Pensions of the House of Representatives, and recommend the passage of the bill.

HOUSE REPORT.

Applicant was a private in Company B, Eighth Tennessee Volunteers.

The proof is conclusive that the soldier received during his service a serious hurt of the lower spine, which occasioned the loss of lower spinal extremity and serious injury to the soldier. Your subcommittee has seen the soldier and wound, and it is of an aggravated nature, greatly disabling the applicant from work and locomotion.

The claim was rejected by the Department on the ground that proof failed to show the incurrence in line of duty.

Applicant's injury was received while on picket duty near Carthage, Tenn., after which soldier was in hospital for considerable time. But as the hospital records are not on file, record evidence can not be adduced showing wound, etc. The soldier, who is of excellent character, and one other witness who says he was present, testify that the injury was received while the applicant was on picket duty from an attack from the enemy; that claimant was taken senseless to the camp and hospital and there treated by the surgeon. The surgeon, Dr. Sawyers, says he treated him, and the colonel of regiment, W. J. Cleveland, testifies that he saw soldier while being treated by surgeon, and he was in bad fix and suffering greatly from wound, but he did not know how it was received, and claimant was not able for duty thereafter.

Your committee think the claim is virtuous, and recommend that the bill do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2557.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7107.]

The Committee on Pensions, to whom was referred the bill (H. R. 7107) to grant a pension to W. B. Cloer, late private in Company L, D. Storm's Arkansas Militia, have examined the same and report:

Your committee adopt the accompanying report, submitted by the Committee on Pensions, House of Representatives, and recommend the passage of the act.

HOUSE REPORT.

W. B. Cloer was a member of the Arkansas State Militia, organized at Fayetteville, Ark., under orders of the United States military authority, January, 1864. That while in the line of duty, under Capt. Leroy D. Stone, the pensioner was severely wounded in the head, left shoulder, and arm by gunshot fired by the enemy.

That his injury is permanent and in the left arm and shoulder almost total. That the soldier was treated for these wounds by a surgeon of the U. S. Army, H. J. Manard, at Fayetteville, Ark., from June till in the fall of 1864, when he was discharged from the service on account of these wounds and permanent disability therefrom. All of which appears by proof of captain and surgeon and disinterested evidence. That soldier is needy and disabled to large degree.

Your committee therefore think this a meritorious case and recommend the passage of the bill.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2558.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8779.]

The Committee on Pensions, to whom was referred the bill (H. R. 8779) granting a pension to Mary A. Irvin, widow, have examined the same and report:

Your committee adopt the accompanying report, submitted by the Committee on Pensions of the House of Representatives, and recommend the passage of the act.

HOUSE REPORT.

That Mary A. Irvin was married to William Irvin in 1865. William Irvin enlisted in Company G, First Louisiana Cavalry, March 30, 1864, and was discharged March 11, 1865. He was immediately pensioned, which was at time of his death, April 22, 1888, at the rate of $24 for disease of heart and dropsy. His death was the result of this disease. Mrs. Irvin applied for a pension, but was refused upon the ground that she had been previously married.

The evidence shows that when quite young she had married one Samuel P. Seibert, a minor; that his father threatened prosecution of the officiating minister, who advised her to consent to a peaceable separation. The father of the boy took him home to another county within 5 days of the marriage, and she, the claimant, assumed her maiden name. That her father in 1863 moved from her home in Perry County, Pa., to Illinois. She went with him and married William Irvin. That she lived with him as his wife, bore nine children to him, cared for them and him as his loyal wife, and nursed him in his long sickness until he died in 1888. She supposed her infant marriage was null and void always, and never doubted she was Irvin's true wife until she made pension claim. That Samuel P. Seibert also, about 1865, married another woman, and at last account of him was living.

Your committee recommend the passage of the bill in accordance with abundant precedent in similar cases.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2559.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R 7397.]

The Committee on Pensions, to whom was referred the bill (H. R. 7397) for the relief of Martha J. Morrison have examined the same and report:

Your committee adopt the accompanying report, submitted by the Committee on Pensions of the House of Representatives, and recommend the passage of the act.

HOUSE REPORT.

The claimant's late husband, George S. Morrison, was a private in Captain Pike's company, First Arkansas Cavalry, and served a year in the war with Mexico. She is now a pensioner at $8 per month under the Mexican service act.

The proof submitted shows that the claimant is 62 years old and totally blind. She has an invalid daughter to support, and her only source of income is her said pension.

After careful consideration of all the facts your committee recommend that the bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2560.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9827.]

The Committee on Pensions, to whom was referred the bill (H. R. 9827) granting a pension to John M. Wiggins, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives and recommend the passage of the act.

The House report is as follows:

John M. Wiggins was enrolled as a private in Company B, Seventeenth Regiment Kentucky Volunteers July 28, 1864, and temporarily assigned to duty with Company G, Fifty-second Kentucky Volunteers. While on such temporary duty and about September, 1864, this command was engaged with the enemy at Grubb's Cross Roads, and claimant, with others, was taken prisoner and taken to near Canton, Ky., by forced marches in the hasty retreat of the Confederates. On this march claimant suffered from a sunstroke, from the effects of which he has suffered ever since. It was not until after his parole and return to the Union forces that he was regularly taken up on the rolls of Company B, Seventeenth Kentucky Volunteers, on file in the Adjutant-General's Office; and therefore is not shown by said records as in service prior to September 26, 1864. He was finally discharged September 20, 1865.

The facts of his enrollment prior to September 26, 1864, his services with the Fifty-second Kentucky Volunteers, his capture and disability from sunstroke are clearly shown, however, by the testimony of the adjutant of the latter command and many others, whose competency and credibility has been fully established through the channels of the Pension Office. But that office is debarred from the favorable consideration of the claim because of the failure of the records to show claimant's enlistment prior to the incurrence of the disability shown by the medical examination to exist in a pensionable degree.

Your committee are of opinion that the evidence presented fully establishes the fact that claimant was injured by reason of battle service and that he should be pensioned therefor.

The bill is therefore returned, with the recommendation that it do pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2561.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13460.]

The Committee on Pensions, to whom was referred the bill (H. R. 13460) for the relief of George Harlan, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives and recommend the passage of the act.

The House report is as follows:

The claimant was a private in Capt. Samuel Farris's company, Georgia Militia, from May 27 to June 27, 1836, in the Creek Indian war "to repel hostilities." He again was enlisted in the same organization from July 4, 1836, and served up to October 1, 1836, and was paid for 3 months and 1 day's service, with the remark, "Appointed assistant surgeon 3d August, 1836." He applied for pension in July, 1885, for injury to right hip, which he claimed to have incurred in the Indian war, but the Pension Bureau rejected the claim, because the claimant could not produce evidence to establish it.

The claimant is 74 years of age and in needy circumstances, and would be a beneficiary under the service-pension bill for the survivors of the Indian wars favorably reported by this committee.

Your committee recommend the passage of the bill.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2562.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 10101.]

The Committee on Pensions, to whom was referred the bill (H. R. 10101) granting a pension to Elizabeth Phillips, widow of Reuben Phillips, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives, and recommend the passage of the bill.

The report of the House committee is as follows:

The applicant is the dependent widow of Reuben Phillips, deceased, who was killed in line of duty, and in an engagement with the enemy in Madison County, Ark., in 1864.

The soldier was a member of Captain Bevans's company, mounted infantry, Arkansas militia, which was organized by order of General Schofield. The proof is conclusive that the soldier was killed in battle with the rebels, and that the widow is still unmarried and dependent.

Your committee therefore recommend that the bill pass.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2563.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9583.]

The Committee on Pensions, to whom was referred the bill (H. R. 9583) granting a pension to Belinda Jane Phillips, imbecile daughter of Isaiah Phillips, Company F, Thirtieth Iowa Volunteer Infantry, have examined the same and report:

The facts in this case are correctly set forth in the report of the House committee hereto annexed. Said report is adopted by this committee.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9583) granting a pension to Belinda Jane Phillips, submit the following report:

Belinda Jane Phillips is the daughter of Isaiah Phillips, late of Company F, Thirtieth Iowa Volunteers. Her father died at Vicksburg February 20, 1863, while in the service. Her mother remarried October 18, 1874.

The claimant drew a pension as the minor child of said soldier until she arrived at the age of sixteen years. She is now twenty-seven years old, and is and has been since her birth deformed, imbecile, and wholly dependent upon others for support. Since the time of the discontinuance of her pension no one has been receiving a pension on account of said service of Isaiah Phillips.

The affidavits of the mother and of two persons who have known the daughter, and are acquainted with the facts, fully substantiate the report.

Your committee therefore recommend the passage of the bill, amended as follows: Strike out all after the word "pay," in line 6, and insert "to her legally constituted guardian for her use a pension at the rate of eighteen dollars per month."

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2564.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9615.]

The Committee on Pensions, to whom was referred the bill (H. R. 9615) granting a pension to Israel R. Pierce, late private Company H, Seventh Ohio Volunteer Cavalry, have examined the same and report:

The facts are substantially stated in the House report, which your committee adopts as its own, including recommendations thereof.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9615) for the relief of Israel R. Pierce, submit the following report:

Israel R. Pierce enlisted as a private soldier in Company H, Seventh Ohio Volunteer Cavalry, September 2, 1862, and was discharged June 29, 1865. He was a good soldier and served his country faithfully. He was enlisted at Marietta, Ohio, and was mustered out at Nashville, Tenn., July 4, 1865. While he was on his way to Marietta, on or about the 6th of July, 1865, at or near Chillicothe, and while riding on the car which was transporting him home, and while the train was moving, he was struck in the eye with a piece of cinder, causing total blindness of the eye and greatly affecting the other eye. This disability became permanent, and the soldier is suffering severely with it, and the only question that could have affected his right to a pension in the Pension Office long ago was the mere fact that he had been actually mustered out of the service before receiving the injury.

Your committee is of the opinion that it is drawing too fine a sight for the Government to say he is not in the line of duty when he is being transported home to the place of his enlistment. We therefore are of the opinion that he is entitled to a pension and recommend the passage of the bill.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2565.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 2802.]

The Committee on Pensions, to whom was referred the bill (H. R. 2802) granting a pension to Conrad Stephan, late of Company C, Fifteenth Regiment Ohio Volunteer Infantry, have examined the same and report:

The following House report correctly states the case, and your committee adopt it as their own:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2802) granting a pension to Conrad Stephan, submit the following report:

Conrad Stephan, the claimant, enlisted on April 23, 1861, and was discharged August 28, 1861, serving out the full term of his enlistment. He was a private in Company C, Fifteenth Regiment Ohio Volunteer Infantry. Application for a pension was made by him on April 12, 1875, alleging that at Grafton, W. Va., on July 12, 1861, while exercising with others, in jumping, he ruptured himself in the left groin.

In a subsequent allegation he states that the rupture made its appearance while exercising with others in jumping, but that while he was making breastworks some of his comrades felled a tree and he overreached himself in springing away from it, causing a rupture of the left groin, or hernia thereof. He was treated by the regimental surgeon and also in hospital. The injury has been constantly growing worse; sometimes he would be obliged to sit down and remain quiet for some time.

The evidence goes to show that this man was sound prior to enlistment, and that he incurred the alleged disability while in the service. His claim was rejected on the ground alleged in the first application, that the disability was incurred in exercising, and therefore not strictly in the line of duty.

This is explained in the subsequent statement, which, if true, clearly shows that he was in the line of duty when he incurred the disability. His prior soundness is shown by the statements of a number of his neighbors, and the existence of the disability since, by the evidence.

Your committee are of the opinion that this is a meritorious case and recommend the passage of the bill.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2566.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 4250.]

The Committee to whom was referred the bill (H. R. 4250) granting a pension to Joseph S. Henderson, have examined the same, and report that the facts are correctly stated in the House report as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4250) granting a pension to Joseph S. Henderson, submit the following report:

The applicant enlisted December 20, 1863, in Company H, Twenty-seventh Iowa Infantry, and was discharged November 15, 1865. He made application for pension on the ground that he contracted disease of the eyes in the service. The claim was rejected on the ground that he failed to prove, under the rules of the Department, that he contracted the disease while in the Army.

The proof abundantly establishes his soundness prior to enlistment and shows that he was for some months treated for a fever in hospital at Memphis, Tenn. Also that in 1865 and very soon after his discharge he was suffering with inflammation of the eyes from which he has never recovered and that he is now almost totally blind.

Claimant testifies that disease of his eyes followed and was the result of the fever for which he was treated in hospital in 1864.

In view of the fact that claimant was a sound man at time of enlistment and was suffering from disease of the eyes soon after discharge and has been so afflicted ever since, and in view of his testimony, your committee believe the proof sufficient to justify the granting of a pension, and therefore recommend the passage of this bill.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2567.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 5585.]

The Committee on Pensions, to whom was referred the bill (H. R. 5585) granting a pension to William P. Witt, late of Company B, Seventeenth Regiment Kansas Volunteers, have examined the same and report:

They have carefully examined this case and find the facts as stated in the accompanying House report, adopting it as their own.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5585) granting a pension to William P. Witt, submit the following report:

Claimant enlisted July 13, 1864, as sergeant of Company B, Seventeenth Regiment of Kansas Volunteers, for the term of 100 days. Claim for pension rejected in the Pension Office because of claimant's inability to prove origin and connect present disability with service.

Claimant states that he was taken sick at Camp Curtis, near Leavenworth, Kans., with camp diarrhea. Two of his comrades testify to his sickness at Camp Curtis, and the physician who was called to treat him immediately on his return from the service states that he (claimant) was seized with liver complaint and yellow jaundice, with finally rheumatism supervening, and had quite a protracted and serious confinement for 6 weeks or more.

The board of examining surgeons at St. Joseph, Mo., under date of July 9, 1884, report claimant entitled to one-half rate of pension.

Your committee are of the opinion that soldier contracted the disease from which he now suffers while in the service of the United States and in the line of duty. He is clearly entitled to a pension, and we therefore recommend the passage of the bill.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2568.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13270.]

The Committee on Pensions, to whom was referred the bill (H. R. 13270) granting a pension to Peter William Frederick, private Company A, Fifth Regiment United States Infantry, have examined the same and report:

This case is clearly stated in the appended House report, and is adopted as the report of this committee.

[House report No. 3875, Fifty-first Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 13270) granting a pension to Peter William Frederick, have considered the same and report:

The Adjutant-General of the U. S. Army states that Peter W. Frederick enlisted November 19, 1856, in Company A, Fifth Regiment U. S. Infantry, and was discharged November 19, 1861, at Fort Leavenworth, Kans., by expiration of service. During this period of service the company is shown to have at one time been engaged with the Seminole Indians in Florida, and at another time was in the field scouting.

The following is the applicant's sworn statement, and also the statement of Messrs. Alexander, Dawson, Luckett, and Neal respecting the applicant's reputation for truth and veracity:

LECOMPTE, LA., *November 27*, 1890.

Hon. N. C. BLANCHARD,
Washington, D. C.:

DEAR SIR: I was a soldier in the regular Army of the United States between the years 1856–1861.

I was enlisted on the 19th day of November, 1856, and was assigned to Company A, Fifth Regiment of U S. Infantry, to serve 5 years, and was honorably discharged by expiration of term of service on the 19th day of November, 1861. I hold certificates of honorable service and discharge.

I was with Sydney Johnston in his expedition against the Mormons, and helped to bury the victims of the famous Mountain Meadow massacre. This took place in the fall of the year and the bodies lay unburied till the next spring. I took up a quantity of hair from the heads of the women, combed it out, and the officer sent it on to Washington.

We started from Fort Leavenworth, Kans., on the 3d of July, 1857, and arrived at Salt Lake City on the 2d of July, 1858, spending 1 year on the route, a portion of which, however, was spent at Fort Bridger, where the army came near starving to death because part of our supply trains were burnt by the Mormons on Green River, and our cattle and horses all froze to death. Each company of soldiers hitched themselves into wagons and went through the snow to haul wood a distance of 10 miles to keep from freezing to death.

Starvation stared us in the face. Gen. Sydney Johnston called for volunteers to carry dispatches giving information of the state of affairs to Fort Laramie, where were commissary supplies.

Myself and another man volunteered to go. We started on mules with 6 days' rations. The snow was from 3 feet to 25 feet deep. We got as far as Harris Fork,

one of our mules froze to death at night. We left next morning for Green River, a distance of 35 miles. It took us 2 days to make the trip. Staid at a ranch that night; next morning left for Sweetwater; lost the other mule that night—froze to death. We had been 5 days on the route; then had 1 day's rations left. My partner decided that he could endure his sufferings no longer and would return to Fort Bridger. He accordingly left me next morning and set out on his return trip. He was never heard of afterward. He doubtless perished from cold and hunger.

Cutting a piece of flesh from the body of the dead mule, I put it in my haversack and started out alone, after having divested myself of all my arms (I had 3 pistols and a Navy 6), except 1 pistol, determined to reach Fort Laramie or perish in the attempt. There were no houses and no landmarks between Green River and Fort Laramie. Everything was covered with snow and I had to rely solely on my compass. After some days I reached the top of the Black Hills, having gone far out of my course. I was then in sight of Fort Laramie; camped there that night; was too worn out with fatigue and hunger to go farther; had had nothing to eat for 3 or 4 days, except sedge bush and small twigs of wood; saw no game at all, as it had all gone to winter quarters.

I was picked up next morning in a state of unconsciousness by a squad of soldiers from Fort Laramie. Searching my pockets they found the dispatches, placed me in a hospital, where I was kindly cared for, and by the time the supply train was ready to move for the relief of Fort Bridger I was sufficiently recovered and returned with them, having accomplished the expedition on which I set out. * * * I am now old, disabled, and dependent.

PETER W. FREDERICK.

Sworn to and signed before me this 6th of January, 1891.

D. D. ARDEN, *J. P.*

We are personally well acquainted with Mr. P. W. Frederick and take great pleasure in certifying that he is a person of good repute as to truth and veracity in the community in which he lives.

Rev. R. F. ALEXANDER.
J. H. DAWSON.
R. L. LUCKETT.
GEO. T. NEAL, *Agt.*

Henry A. Boyce, of Boyce, La., and Rev. George Jackson, of Lecompte, La., also certify to the claimant's good character and reputation for reliability and truthfulness. These witnesses are all given the highest standing by Hon. N. C. Blanchard, who knows them personally.

Dr. Ira Bowman testifies that he has examined the applicant and finds him suffering with two inguinal hernias, necessitating the constant wearing of a truss; also that he finds evidences that the applicant's skull has once been broken. The applicant, who is only about 56 years old, has the appearance of being nearly 70, and he looks as though at some time in the past he had undergone some great physical hardship.

The applicant, in a letter dated Lecompte, La., January 6, 1891, states that both of the disabilities named had their origin in the service and line of duty.

The passage of the bill is recommended.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2569.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11097.]

The Committee on Pensions, to whom was referred the bill (H. R. 11097) granting a pension to William Hale, late of the Klamath Rifles, in the Klamath Indian war in California, have examined the same and report:

They have carefully examined this case and find the facts correctly stated in the subjoined House report, recommending that the bill do pass.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 11097) granting a pension to Willam Hale, have considered the same and report as follows:

The claimant enlisted January 11, 1855, in Capt. William M. Young's company of California Volunteers, to serve during the period of the Klamath River Indian war, and served faithfully until May 26, 1855, when honorably discharged.

There is a copy of claimant's discharge certificate on file, and his service is also shown by the sworn statement of Charles C. Donnell, of Essex County, Mass., who was a resident of California from 1850 to 1862, and knew the claimant there.

The gentleman who introduced the bill in the House states that he personally knows Mr. Hale, who is over 70 years of age and very poor. He lives at West Newbury, Mass.

By an act of Congress passed March 2, 1861 (see page 199, United Statutes at Large, volume 12), the State of California was reimbursed by the General Government for the expenses incurred during said war.

In view of all the facts, including the claimant's extreme age and necessitous condition, and the recognition by Congress of the service rendered, your committee are of the opinion that the relief prayed for should be granted, and the bill is therefore reported back with the recommendation that it do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2570.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13204.]

The Committee on Pensions, to whom was referred the bill (H. R. 13204) granting a pension to John Brownlee, private in Company H, Captain Layton's company, Colonel Kelly commanding battalion, in the Indian war of 1855–'56, have examined the same and report:

Upon a careful scrutiny of this case the committee find the facts as set forth in the subjoined House report, and concur in the House views therein expressed.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 13204) granting a pension to John Brownlee, have considered the same and report:

The claimant appears on the rolls of the First Oregon Mounted Volunteers as follows:

As a private from October 23, 1855, to May 15, 1856, in Capt. Davis Layton's company (H) and as a private in Capt. William G. Haley's company (C) from May 15, 1856, to August 14, 1856.

The claimant swears that he participated in all the battles and skirmishes that his command was engaged in during the above-named time, and that from exposure he contracted rheumatism, from which he has suffered ever since to such an extent that he is now disabled for the performance of all manual labor; that he can do nothing towards earning a support, and he has nothing else to depend upon for a living. He further states that he lost a horse worth $300 at the battle of Walla Walla, for which he has never been paid.

Mr. Brownlee resides at Knoxville, Marion County, Iowa. Dr. N. R. Cornell, of Knoxville, Iowa, testifies to having had the claimant under his care and treatment for the past 23 years and that during that time he has been a sufferer from rheumatism and disease of heart, and that he is now unable to support himself by manual labor because of said diseases.

Dr. W. E. Wright also testifies to the existence of the above-named diseases in the claimant's case and to the applicant's inability to support himself.

There is no general pension law to cover Mr. Brownlee's case but there are numerous precedents for the allowance of pensions by special act to the survivors of the old Indian wars.

Your committee therefore return the bill with the recommendation that it do pass with an amendment to fix the rate of pension at $12 per month.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2571.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 9627.]

The Committee on Pensions, to whom was referred the bill (H. R. 9627) granting a pension to Lydia F. Fryer, dependent and helpless daughter of Park H. Fryer, late a member of Company F, Sixteenth Regiment Ohio Volunteer Infantry, have examined the same and report:

They have examined the case fully and find the facts as stated in the House report and recommend that the bill do pass.

HOUSE REPORT.

The Committe on Invalid Pensions, to whom was referred the bill (H. R. 9627) granting a pension to Lydia F. Fryer, submit the following report:

Claimant is the cripple daughter of Park H. Fryer, late a private in Company F, Sixteenth Regiment Ohio Volunteer Infantry, who died in July, 1863, while in the service and line of duty. His widow drew a pension until she remarried and claimant drew a pension until she became 16 years of age, when her pension ceased under the general law. All the other children are now over 16 years of age, and no one is drawing a pension on account of soldier's death. Lydia F. Fryer was a cripple from infancy, and is mentally, as well as physically, utterly helpless; 32 years of age. Her mother is poor and she is an inmate of the county poorhouse of Mercer County, Ohio. These facts are substantiated by the affidavits of creditable witnesses, and your committee recommend the passage of the bill with the following amendment: In line 7 insert the following, "to her legal guardian for her use."

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2572.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT:

[To accompany H. R. 3648.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 3648) for the relief of Amy C. Capwell, having had the same under consideration, beg leave to submit the following report:

That on the night of the 31st of October, 1878, the post-office at Factoryville, Wyoming County, Pa., was entered by some unknown person and a quantity of postage stamps abstracted.

That subsequently the claimant, who at the time was postmistress at Factoryville, caused the arrest and indictment of one Mathewson, who was tried in the United States district court, first at Pittsburgh, Pa., and afterwards at Williamsport, Pa., at both of which trials the jury disagreed. The claimant paid to the Government the amount of loss sustained, viz, $144.15, which amount has never been refunded to her, although she filed her claim under the act of 1882. Her claim was rejected by the Department on the ground that—

The loss was the result of larceny, for which the act of March 17, 1882, makes no provision, and for which her claim was disallowed.

Mathewson was indicted and tried for burglary and the result was a disagreement of the jury. So it does not seem to be clear that the loss was the result of larceny. The claimant expended $60 in the matter of arresting and bringing to trial the supposed offender.

Your committee submit as a part of their report the following affidavit of the claimant:

COMMONWEALTH OF PENNSYLVANIA, *Lackawanna County, ss:*

On this 29th day of January, A. D. 1884, before the subscriber, a justice of the peace in and for said county, duly authorized by law to administer oaths, personally appeared Amy C. Capwell, who, being first sworn according to law, deposes and says as follows, to wit:

In the year 1878 I was postmistress at Factoryville, Wyoming County, State of Pennsylvania, regularly commissioned as such. That on the 9th day of October, 1878, I received from the Post-Office Department at Washington, D. C., a quantity of stamps, amounting to $215, and these stamps, with what I had on hand, were in the post-office at Factoryville, county and State aforesaid, for the convenience of the public. That on the night of the 31st of October, 1878, the post-office was entered by some person or persons to her unknown, and all the unbroken sheets of stamps abstracted. That in January, 1880, I paid to the United States, by drafts drawn on me by J. A. Scranton, then postmaster at Scranton, Pa., the sum of $144.15, this being the balance found against me after all allowances for the return of mutilated stamps, and this sum of money has never been repaid to me. That some two weeks subsequent to the robbery one G. B. Mathewson was arrested at the instance of C. B. Barrett, United States post-office inspector, at Philadelphia, Pa., and the said Mathewson

was afterwards twice tried for the robbery, once at Pittsburgh, Pa., and once at Williamsport, Pa., in the United States district court. That at each of these trials the jury failed to agree. That under the act of 1882 I presented my claim, and it was disallowed on the ground "that the loss was caused by larceny rather than by burglary, and for such losses the law makes no provision." That I have exhausted all legal means for securing relief in this matter, and in addition to the actual money loss as above set forth I was subjected to expenditures amounting to $50 in tracking up the said G. B. Mathewson, in whose possession a quantity of stamps corresponding with those I had lost was found.

AMY C. CAPWELL.

Sworn and subscribed before me this 30th day of January, 1884.
[SEAL.] E. C. REYNOLDS, *J. P.*

The committee, upon careful investigation and consideration, recommend that the bill be passed.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2573.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 5061.]

The Committee on Military Affairs, to whom was referred the bill (S. 5061) to allow the Falls Church and Potomac Railway Company to construct and operate a railroad across the Government lands at Arlington, in the county of Alexandria, Va., have had the same under consideration and submit the following report:

It does not touch the part of the Government reservation dedicated to the cemetery. The road will be of great convenience to citizens of Washington who desire to visit Arlington. The subjoined report of the House on a similar bill contains the recommendation of the Secretary of War and the Quartermaster-General.

[House Report No. 1256, Fifty-first Congress, first session.]

The bill proposes to give the Falls Church and Potomac Railway Company a license to construct and operate by horse, cable, compressed air, or electric power a railroad across the Government lands in Virginia known as Arlington and Fort Myer. Such a railroad would be a convenience to those who desire to visit the National Soldiers' Cemetry at Arlington. The bill, with the amendments proposed, will be well guarded. Its general form and scope have been approved by the Secretary of War, as shown by the accompanying letter. The committee recommend that the bill pass, amended as noted on the bill filed with this report.

[First indorsement.]

QUARTERMASTER-GENERAL'S OFFICE;
January 29, 1890.

Respectfully returned to the honorable the Secretary of War.

It is recommended to have inserted after the word "erected," in line 17, the words "and the motive power to be used."

Also that the bill further provide that the Falls Church and Potomac Railway Company shall repair at their own expense and in a manner satisfactory to the Secretary of War any damage that may be done to the roads upon the Government lands at Arlington by the construction of said railroad.

S. B. HOLABIRD,
Quartermaster-General, U. S. Army.

WAR DEPARTMENT,
Washington, February 1, 1890.

SIR: I return herewith your letter of 23d ultimo, transmitting (H. R. 925) a bill "to allow Falls Church and Potomac Railway Company to construct and operate a railroad across the Government lands at Arlington, in the county of Alexandria, Virginia," and invite your attention to the report of the Quartermaster-General indorsed thereon, in whose recommendations I concur.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. B. M. CUTCHEON,
Chairman Committee on Military Affairs, House of Representatives.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2574.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 8057.]

The Committee on Military Affairs have had under consideration the bill (H. R. 8057) to remove the charge of desertion from the record of Ebenezer F. Woodworth and submit the following report:

The report prepared by the House Committee on Military Affairs gives a full synopsis of the testimony presented in the case. Your committee adopts the report and recommend that the bill do pass.

[House Report No. 3739, Fifty-first Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8057), have considered same, and report it back to the House with a favorable recommendation, when amended as hereinafter set forth.

Ebenezer F. Woodworth was a private in Company L, Third Regiment of Michigan Cavalry Volunteers. He enlisted at Detroit, Mich., October 1, 1861. The company descriptive book reports him deserted from camp near Farmington, Miss., May 12, 1862. Muster-out roll of the company, dated October 24, 1864, reports him deserted May 12, 1862, near Farmington, Miss.

His widow filed claim for pension July 15, 1867, and claim was rejected October 7, 1878, on the ground that the soldier was a deserter. The claim has been in the hands of several special examiners and a large amount of testimony taken.

This evidence shows that on the day on which the soldier was last seen he was left in his tent caring for a sore leg, and several other men were left in camp during that day while the company went with the regiment on a scout and was absent all day. On the return it was reported that the soldier Woodworth was missing. He was marked a deserter; but First Lieut. Oliver C. Leonardson makes oath that he at the time protested that to mark him a deserter was an "outrage," and that he believed the soldier lost his life in the line of duty.

Lieut. Monroe C. Carlton makes oath that "he has no recollection that it was charged or believed at the time that the said E. T. Woodworth had deserted."

The testimony clearly shows that the said soldier on the day mentioned was obliged on account of his sore leg to use a crutch or cane, or both, to travel, and for that reason he could not have deserted; also that the enemy was in so close proximity that skirmishes were almost of daily occurrence, and for this reason the soldier would not have deserted.

Some of his clothing was the next day found on bushes near a creek within the lines, where he went to wash the same. Since that day the soldier has not been seen by any of his family or friends, and they can hear nothing from him, or his whereabouts, and it must be supposed that he is dead. No family disagreements or discords existed, and there is no reason why, if he is living, he should not long ago have returned to his family and friends.

Joseph W. Huston, a first lieutenant of Company C, of the same regiment, makes affidavit that—

"Botham was held in very low esteem by the officers of said regiment on account of

his brutal instincts and his licentious and dissipated habits. He was continually engaged in quarrels and personal altercations with the members of his company, which not infrequently resulted in personal violence. That Botham should have, in a moment of passion (for his temper was uncontrolled either by judgment, moral principle, or education) or for the gratification of personal malice, wrongfully or inconsiderately have charged any member of his company with desertion or any other offense would seem to affiant to be strictly consonant with the nature and character of the man."

Dr. Andrews, surgeon, writing to a daughter of the said soldier, says:

"I do not now see any reason why your father's army record should not be corrected in accordance with the facts. It is now certain that the whole story about your father's desertion originated with Captain Botham, who was regarded in the Army as a passionate half lunatic."

J. K. Mizner, major Fourth United States Cavalry, late colonel Third Michigan Cavalry, in a letter written in December, 1885, says:

"Unless the fact of desertion can be established by good and sufficient evidence the act of desertion should not be assumed, and your father's family allowed to suffer from an error in reporting him as a deserter."

Joseph W. Huston, a first lieutenant of Company C, of the same regiment, makes affidavit that he firmly believes that the said soldier gave up his life for his country; that the charge of desertion is "undeserved, false, wicked, malicious."

The committee recommended the following amendments:

First. By striking out in line 4 the word "his," and inserting in lieu thereof "the war."

Second. By striking out in line 7 the word "second," and inserting in lieu thereof the word "third." There is an error in some of the papers filed by which Mr. Woodworth is referred to as having belonged to the Second Regiment.

Third. By striking out the word "and" at the end of line 7, and all of lines 8, 9, and 10.

When so amended the committee recommend that the bill pass.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2575.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 5105.]

The Committee on Military Affairs have had under consideration the bill (S. 5105) authorizing the construction of a railway upon the Government reservation at Fort Monroe, Va., and submit the following report:

The purpose of this bill is to extend the provisions of a law which was approved March 2, 1889. The road was to have been built within 2 years. The time has passed, and the construction of the road has not been accomplished. The bill is recommended by the Secretary of War, and has been made to conform to all objections raised.

The Secretary of War would have full control over the route to be taken within the reservation and the rates of fare, and would have power to revoke the concession and order the rails, etc., taken up without giving foundation for a claim.

The committee recommend that the bill be passed.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2576.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891—Ordered to be printed.

Mr. HIGGINS (by Mr. MITCHELL), from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 2888.]

The Committee on Claims, to whom was referred the bill (H. R. 2888) for the relief of Warren Hall, having had the same under consideration, respectfully report:

This bill has passed the House of Representatives during the present session, having been reported to that body from the House Committee on War Claims. The report of said committee, which is hereby adopted, is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2888) for the relief of Warren Hall, report as follows:

The facts out of which this claim arises will be found stated in Senate report of the Committee on Claims of the Fiftieth Congress, a copy of which is hereto attached and made a part of this report.

Your committee adopt the said report as their own and report back the bill and recommend its passage.

[Senate Report No. 2462, Fiftieth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 902) for the relief of Warren Hall, have considered the same and respectfully report:

Warren Hall, the claimant, alleges that he is the son of a free woman, an Indian, and that he was born in the city of Alexandria; that when a youth he was kidnaped in New Orleans, where he had gone as a race-rider, and sold to a planter in Mississippi by the name of Roach, by whom he was treated until 1863 in some respects as a free man and in others as a slave. Hall further claims that during this period he was allowed to raise hogs and other stock, which he exchanged with Roach for cotton, and in this way he had accumulated some 75 or more bales of cotton. In the year 1863 sundry lots of cotton along the Mississippi were seized by United States troops, to be used in the fortifications at Memphis. This cotton was sold at a later date and the proceeds placed in the United States Treasury. In this cotton thus taken, used, and sold, were the bales Hall claims, which he had received in exchange for his hogs, by contract with Roach, and of which he was the lawful owner.

Hall endeavored to assert his right of ownership by application to the Quartermaster-General and by suit in the Court of Claims and in the Supreme Court of the United States, but without success, the courts holding that his condition in fact was that of a slave, and that in consequence he was incapable of making contracts or of acquiring property.

It would seem to your committee that under these facts injustice is done to Hall by enforcing the harsh rule of slavery in his case. If the story of his birth be true he was by law free born and his mother was a free woman, and her legal status would determine his. His servitude, therefore, was the result of force and not of law. He was still a free man, although unable to assert his freedom.

The bill under consideration is intended to refer the entire case to the Court of Claims, removing simply the bar of limitation and the hitherto insuperable bar of

so-called "slavery *de facto*." Hall then would be allowed to prove his free birth, the contract with Roach, and his title to the property, if possible.

Some questions have been raised, in the course of the investigation, as to the good faith and genuineness of Hall's claim. All these questions will be passed upon by the court if the proposed statute be enacted, and the burden will be upon him to establish his title in all respects.

Your committee recommends, therefore, the passage of the bill, with the following amendment: In line 8, after the word "trial," insert "if it shall appear that said Hall was in fact free born he shall be deemed to be entitled to all such rights as he would have had if he had continued a free man, notwithstanding he may have been reduced to a state of slavery *de facto* by the operation of the laws of any State."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2577.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany H. R. 11996.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 11996) removing the charge of desertion from the record of John Cassidy, have had the same under consideration and recommend its passage, adopting as their report the following report:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 11996) for the removal of the charge of desertion from the record of John Cassidy, respectfully report that they have given the matter due consideration and find that the said John Cassidy enlisted December 22, 1864, while under age, assuming the name of John Cummings, he having been rejected under his own name as a minor, and served faithfully until June 20, 1865, on board the United States ships *Lenapee* and *Mackinaw*, off Fort Fisher, at the taking of Wilmington, N. C., and afterwards up the James and Appomatox Rivers. When the war closed the *Mackinaw* was sent north to Portsmouth, N. H., and went out of commission in June, 1865; Cassidy, with others, was transferred to the U. S. S. *Vandalia*, and on June 20 was given one month's leave on shore.

Under the impression that the enlistment was for 3 years or until the war had closed, and the war having closed, Cassidy, who had found employment in Brooklyn, did not return to the *Vandalia* at the expiration of his leave. Cassidy's case falls outside the provision of the act of Congress approved August 14, 1888, "for the relief of certain appointed or enlisted men of the Navy," etc., only by less than 2 months in time of service.

We would also direct attention to the fact that Cassidy was only 18 years of age at the time of his technical desertion. He has since then led an industrious and exemplary life and is a respected citizen of Brooklyn and an esteemed business man of New York City. For the sake of his children, especially, he is desirous of having the record of desertion removed, and your committee recommend that the bill do pass.

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CONGRESS, } SENATE. { REPORT
Session. } { No. 2578.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

ccompany memorial adopted in a convention of colored people at Okolona, ., praying the passage of the Blair educational bill and the enactment of a granting bounty to colored soldiers during the late war.]

e Committee on Military Affairs, to whom was referred the said orial, have had the same under consideration, report the same back, sk to be discharged from its further consideration.

e Congress having disposed of the Blair educational bill adversely e prayer of the memorial, your committee do not feel warranted in ting in contrary spirit; and as to the second prayer in said me- l, your committee find that the colored veteran was placed on the footing as to bounty as the white man.

ur committee submit the following communications from the Sec- Auditor of the Treasury Departmen t, which are fully explanatory existing and past conditions, and form a pro per basis for future tion upon this subject.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, D. C., February 25, 1891.

AS. F. MANDERSON,
United States Senate:

reply to your letter of the 23d instant, I have the honor to say that by an ved March 3, 1873 (17 Stat., 601), colored persons who enlisted in the Army d on the same footing as other soldiers as to bounty.

ossible that the propositions now before you, asking the passage of a bill unties to colored troops, have reference to decisions under which bounty nied to a certain class of colored claimants, I inclose for your information letter addressed to Hon. John Lynch, House of Representatives, Decem- , which fully explains this matter. I also inclose a draft of a bill prepared as a substitute for Senate bill 474, Fiftieth Congress, first session, "For the heirs of colored soldiers who served in the war of the rebellion." It rever, that the Auditor was not called upon for a report on Senate bill ubstitute was not transmitted to the Senate Military Committee.

rd to this substitute I will remark that its object was to provide means two classes of claims in relation to which numerous complaints have amely:

f heirs of colored soldiers who have been refused bounty for reasons e letter to Mr. Lynch.

f colored soldiers and their heirs who allege that they were defrauded ate agents of the late Freedmen's Bureau.

with the latter class of claims I respectfully invite attention to the from the Auditor's annual reports for 1873 and subsequent years.

lly yours,

J. H. FRANKLIN,
Acting Auditor.

TREASURY DEPARTMENT,
SECOND AUDITOR'S OFFICE,
Washington, D. C., December 18, 1882.

Hon. JOHN LYNCH, *House of Representatives:*

SIR: In accordance with your verbal request of the 16th instant in relation to claims in case of colored soldiers audited by this office, I have to make the following statement:

First. In case of colored soldiers shown by record to have been free April 19, 1861, all bounty has been allowed just the same as in case of white soldiers.

Second. The additional bounty act of July 28, 1866, and the bounty act of July 4, 1864, have been allowed in case of colored soldiers whether slave or free, in the same manner as in case of white soldiers.

Third. Prior to the act of March 3, 1873, the bounties under act of July 22, 1861, and joint resolution of January 13, 1864, were not allowed in case of colored soldiers who were slaves April 19, 1861.

Fourth. The act of March 3, 1873, was construed by the accounting officers as applicable to discharged living soldiers, not to heirs, but after the decision of the Attorney-General of March 26, 1878, all bounty in case of colored soldiers, slave or free, living or deceased, was, until February 13, 1879, allowed by this office in the same manner as in the case of white soldiers.

Fifth. Claims in case of heirs of deceased colored soldiers shown to be slaves April 19, 1861, which were filed and settled prior to the Attorney-General's decision of March 26, 1878, were, under this decision until February 13, 1879, reopened and considered when such cases were properly referred to, either by the claimants or by their duly authorized attorneys.

Claims of this character filed and disallowed prior to March 26, 1878, were and are now considered under the Attorney-General's decision of said date, when such claims supported by proper evidence are referred to, either by the claimants or their authorized attorneys.

Again, claims of this character filed prior to March 28, 1878, that have not been either settled or disallowed, but are now pending as original claims, are considered under the Attorney-General's decision of said date.

Sixth. All original claims in case of colored soldiers (in behalf of whom or whose heirs no settlement has ever been made by this office) are now considered, so far as bounty is concerned, on the same footing as claims in case of white soldiers.

The only claims in case of colored soldiers that are affected by the decision of the Secretary of the Treasury of February 13, 1879, are the claims filed as additional to those that were settled subsequent to the act of March 3, 1873, for all due under laws and decisions then in force; and the additional claims are disallowed on the ground that, according to the said decision of the Secretary of the Treasury, such claims should not be reopened.

The number of claims in which bounty was denied between the passage of the act of March 3, 1873, and the rendering of the opinion of the Attorney-General of March 26, 1878, it is difficult to determine; but probably it is not less than 2,000, the amount of bounty denied in each case varying from $100 to $300, according to the act under which the enlistment was made.

Very respectfully,

O. FERRIS,
Auditor.

ALLEGED FRAUDS UPON COLORED SOLDIERS AND THEIR HEIRS.

[Extracts from annual reports of the Second Auditor.]

1873.—"Since the transfer of the Freedmen's Bureau to the Adjutant-General's Department many illegalities and dishonest practices of some of the officers lately employed by that bureau have been discovered, necessitating much labor and care in the examination of certain claims, vouchers, and accounts."

1874.—"Since the transfer of the Freedmen's Bureau to the War Department many frauds and malpractices have been discovered in the payment of colored soldiers and their heirs by the subagents of the late Commissioner of the Bureau, and fresh complaints continue to be made which require investigation."

1875.—"In my last annual report the increase of cases requiring investigation was accounted for by the fact that since the transfer of the Freedmen's Bureau to the War Department frauds and malpractices have been discovered in the payment of claims by the subagents of the late Commissioner of the Bureau, and it was then presumed *that the* number would continue to increase until some definite action should be taken *by superior* authority to determine the civil liability of the bonded agents of the *Bureau.*"

1876.—"These remarks (see report of 1875) are still applicable, and it should be stated in addition that charges in these colored cases involving $22,708.89 have been raised against the late Commissioner of the Freedmen's Bureau and the matter submitted to the Solicitor of the Treasury for suit and recovery of the money."

1877.—"These remarks (see report for 1875) yet apply, and I have only to add that, owing manifestly to the migratory character of the colored people and the uncertainty of their declarations when found, the United States attorneys have since returned a majority of the cases with reports of their inability to successfully investigate them. In some instances the fact that the colored soldiers or their heirs have been defrauded of their money has been fully established. Charges have accordingly been raised against the late Commissioner of the Freedmen's Bureau, and the matter placed in the hands of the Solicitor of the Treasury for appropriate action. Those people who have not received their money are clamorous for a resettlement of their claims; but under the resolution of Congress approved March 29, 1867, directing payment to the Commissioner of the Freedmen's Bureau and charging him with the faithful disbursement of the funds, the accounting officers hold that they have fulfilled their duty and discharged their trust, so far as relates to the settlement of the claims, and that no claim can be resettled and paid without specific authority from Congress and the reappropriation of the necessary funds."

1878.—After quoting the remarks contained in the reports for 1875 and 1876, the Auditor said: "I have now to state that the cases against the late Commissioner have been brought to an issue and judgment rendered against the Government, so that if any further action is to be had, looking to the relief of these colored people who claim to have been defrauded of their bounty money, Congress must take the initiative either by passing upon the merits of individual cases, referring them to the Court of Claims, or by making the requisite appropriation and empowering the accounting officers to resettle the claims after it shall have been clearly established that the claimants have neither receipted for nor received their money nor derived any benefit therefrom."

1879.—"Many colored soldiers now living, and the heirs of others who were killed in the military service, are clamorous for the pay and bounty which they claim to have been defrauded of under the régime of the Freedmen's Bureau. The accounting officers of the Treasury Department, to whom their reiterated applications are made, are powerless to afford them any satisfaction. I have referred to this matter on several occasions, as will be seen by the subjoined extracts from previous annual reports, and I beg leave to again bring the matter to your attention. (See extracts from reports for 1875, 1877, and 1878.)"

1880.—"I respectfully invite your attention to the urgent necessity of some action on the part of Congress with regard to the claims of colored soldiers and their heirs, to which special reference was made in the annual reports for 1875, 1876, 1877, 1878, and 1879."

1881.—"By reference to the Second Auditor's reports for 1875, 1877, 1878, 1879, and 1880, it will be seen that special attention has been repeatedly invited to the cases of colored soldiers who claim to have been defrauded of their arrears of pay and bounty by the agents of the late Freedmen's Bureau. Those people who have not received their money are still clamorous for the resettlement of their claims; but under the joint resolution of Congress approved March 29, 1867 (15 Stats., 26), directing payment to be made to the Commissioner of said Bureau and charging him with the faithful disbursement of the funds, the accounting officers of the Treasury Department hold that they are *functus officio*, and that no claim can be resettled and paid without specific authority from Congress, accompanied by the requisite appropriation. The necessity of some action on the part of Congress looking to the adjustment of these claims is still urgent, and I respectfully suggest that a bill be prepared authorizing the proper accounting officers to reopen and resettle the claims of such colored soldiers as may present conclusive evidence that they have not received, in whole or in part, the pay and bounty to which they are entitled by law, the amounts found due such soldiers to be paid from any money in the Treasury not otherwise appropriated.

"In this connection, and in simple justice to the late Commissioner of the Freedmen's Bureau, it is proper to recall the fact that certain charges against him, growing out of the irregularities above referred to, have been investigated by a military court and tried before a civil court. The special court of inquiry, convened by authority of a resolution of Congress, approved February 13, 1874, not only exonerated General Oliver O. Howard from all blame, but also found that he did his whole duty, and expressed the belief that he deserved well of his country. The Supreme Court of the District of Columbia, before which suits were brought at the instance of this office to recover $153,173.57, rendered judgments in his favor on March 11 and 12, 1878."

1882.—"I would again invite attention to a matter that has been referred to in half a dozen annual reports, namely, the necessity for some action on the part of Congress looking to the adjustment of the claims of those colored soldiers who allege that

they were defrauded out of their arrears of pay and bounty by the subordinate agents of the late Freedmen's Bureau."

1883.—"I would again invite attention to a matter that has been referred to in half a dozen annual reports, namely, the necessity for some action on the part of Congress looking to an adjustment of the claims of those colored soldiers who allege that they were defrauded of their arrears of pay and bounty by the subordinate agents of the Freedmen's Bureau."

1885.—"Attention is invited to a matter referred to in many previous annual reports, namely, the need of special legislation for the relief of colored soldiers and their heirs, who allege that they have been defrauded by the agents of the late Freedmen's Bureau. From March, 1867, to July, 1872, the arrears of pay and bounty due discharged colored soldiers were paid to the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, by authority of a joint resolution approved March 29, 1867 (15 Stats., 26), which directed that mode of payment and held the Commissioner responsible for the safe custody and faithful disbursement of the funds intrusted to him. On the settlement of his accounts a balance of $153,173.57 was declared against him, growing out of alleged irregularities of the agents of the Bureau, but he was fully exonerated by a military court of inquiry, and judgments in his favor were rendered by the supreme court of the District of Columbia in suits brought at the instance of this office to recover the above-mentioned balance. The accounting officers hold that where the pay and bounty of a colored soldier have been paid to the Commissioner of the Freedmen's Bureau, as directed by law, they have no authority to reopen the claim, no matter how clear the proof may be that the soldier never received his due."

1886.—"Attention is invited to a matter referred to in many previous annual reports, namely, the claims of certain colored soldiers and their heirs, who allege that they have been defrauded by the agents of the late Freedmen's Bureau, to whom the moneys found due said soldiers were paid under a joint resolution approved March 29, 1867 (15 Stats., 26)."

A BILL for the relief of certain colored soldiers who served in the war of the rebellion and their heirs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to place colored persons who enlisted in the Army on the same footing as other soldiers as to bounty and pension," approved March third, eighteen hundred and seventy-three, be, and the same is hereby, amended so as to include the heirs of all colored soldiers who may have died or were killed while in the service of the United States, or who died after discharge, and that where a settlement has been made by the accounting officers of the Treasury in any case of the heirs of such deceased soldiers, and the bounty provided by law was not paid at the time of such settlement under the act aforesaid, the same shall be paid on proper application now on file or hereafter to be filed; and such claims as have been rejected under a decision of the Secretary of the Treasury dated February thirteenth, eighteen hundred and seventy-nine, based upon section one hundred and ninety-one of the Revised Statutes of the United States, shall be reopened and again investigated, and if found unpaid, shall be paid the heirs of such deceased soldiers.

SEC. 2. That the proper accounting officers of the Treasury shall consider and adjust the claims of colored soldiers and their heirs for arrears of pay and bounty in cases where said arrears were paid to the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands under the provisions of the joint resolution entitled "A resolution in reference to the collection and payment of moneys due colored soldiers, sailors, and marines, and their heirs," approved March twenty-nine, eighteen hundred and sixty-seven, but were not paid to the soldiers or their heirs by the Commissioner of said Bureau or his agents, and if it be found that said soldiers or their heirs have not received the amounts due them, the same shall now be paid: *Provided*, That if any claims of the class mentioned in this section shall have been rejected under any decision of the accounting officers or of the Secretary of the Treasury, such rejected claim shall be reopened and adjusted under the provisions of this act.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2579.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12100.]

The Committee on Pensions, to whom was referred the bill (H. R. 12100) granting a pension to Samuel T. Caston, have examined the same and report:

The report of the House committee is adopted and the bill reported with a favorable recommendation.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 12100) granting a pension to Samuel T. Caston, have considered the same and report as follows:

Samuel T. Caston is the minor son of Samuel Caston, who served in the Mexican war as a private in Company E, Palmetto Volunteers of South Carolina, and who at the time of his death was a pensioner at $8 per month under the Mexican war service-pension act of January 29, 1887.

The soldier died July 5, 1890, leaving four children, all of whom were over 16 years of age except this claimant, who was born September 27, 1878, and consequently will not arrive at the age of 16 until September 27, 1894. The soldier's wife, the mother of this claimant, died July 30, 1886.

Samuel T. Caston, the applicant, is dependent for support upon his older brother, E. G. Caston, who is poor and crippled, he having but one leg.

The facts are all shown in an affidavit filed with the bill and signed by Thomas P. Lawless, J. H. Street, and J. M. Combest, citizens of Jasper County, Miss.

The Mexican war service-pension act of January 29, 1887, makes no provision for the minor children of the survivors of the Mexican war, the presumption probably being that but few, if any, of those now living would have children less than 16 years of age at the present time. Your committee think it would be an act of justice to accord the same benefits to the children of Mexican war veterans as those accorded by the act of June 27, 1890, to the children of the soldiers of the late war. Therefore the bill is returned with a favorable recommendation.

Amend by striking out all after the word "ninety," in line 10, to and including the word "ninety-five," in line 11, and inserting in lieu thereof the words "until the 27th day of September, 1894."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2580.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 4184.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay, having had the same under consideration, beg leave to submit the following report:

The facts in this case are set forth in the following report of the House committee on this subject, which the committee adopt and recommend the passage of the bill:

The facts in this case are fully embraced in the report of the Adjutant-General submitted herewith, and from which it appears, to the satisfaction of your committee, that the records of the War Department should be so amended as to show that said William S. Mackay, alias William M. Porter, now deceased, was unavoidably absent from his command, which is the overt act for which his pay was suspended for a period of about eighteen months, it appearing to your committee beyond question that at the time he so absented himself he was laboring under mental derangement, and was therefore not responsible for his conduct.

We would therefore recommend that the bill do pass.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 12, 1890.

SIR: I have the honor to return herewith a communication from the chairman of the Committee on Military Affairs, House of Representatives, inclosing and requesting information, suggestions, etc., concerning a bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay, deceased, late first lieutenant, Third Infantry, so as to show that he was involuntarily and unavoidably absent from his command while a second lieutenant in the Twenty-ninth Infantry, from July 18, 1868, to December 21, 1869, instead of absent without leave, as now shown by the records.

William S. Mackay served as an enlisted man in the Third Massachusetts Cavalry from April 8, 1864, to September 28, 1865, and in the Eleventh United States Infantry from October 24, 1865, to September 11, 1866, when he accepted an appointment as second lieutenant, Eleventh Infantry. He was transferred to the Twenty-ninth Infantry September 21, 1866; became unassigned April 25, 1869; was assigned to the Third Infantry March 22, 1870; promoted first lieutenant November 1, 1872, and resigned February 15, 1873.

As a commissioned officer he served with his regiment in Virginia from September 11, 1866, to April 19, 1867; on registering duty at Marion, Va., to October 30, 1867; with his company at Lynchburg, Va., to December 23, 1867; as military commissioner at Hillsville, Va., to July 18, 1868, during which latter period he was also acting assistant adjutant-general subdistrict of Lynchburg, from May 30 to July 18, 1868; *absent without leave* to December 21, 1869; awaiting orders to March 22, 1870, when

assigned to Third Infantry, which he joined April 12, 1870; served with that regiment in the Indian Territory to some time in October, 1871; at Fort Lyon, Colorado (being also acting assistant quartermaster and acting commissary of subsistence) to January 1, 1873; and on leave of absence until date of resignation.

The records simply show that, as a matter of fact, Lieutenant Mackay was *technically* "absent without leave" from July 18, 1868, to December 21, 1869, nearly eighteen months, but the circumstances of his absence indicate very plainly that when he left his post, and for quite a long period afterwards, he was mentally irresponsible for his actions. It was understood he was never able to draw any pay for the period of his absence on account of said record of absence without leave.

Annexed hereto is a copy of the report of this office, dated October 27, 1882, on the application of Lieutenant Mackay (Wm. M. Porter) for a change in his record, with the action of the Secretary of War thereon, which report sets forth the action taken on former applications of the same character. His claim was again presented in October, 1889, accompanied by additional evidence of his mental incompetency and irresponsibility at the time of his unauthorized absence, as well as evidence showing that he was insane at times after leaving the military service, and that he became insane early in the summer of 1889, and while in that condition left the United States, became involved in trouble in Belfast, Ireland, and finally died in a hospital at that place. The Secretary of War decided, after considering this last application, that Congress is the only authority which can, under the facts set forth, properly provide for an amendment of the record or an allowance of the pay to which he would have been entitled in case the record of absence without leave had not been made.

Had Lieutenant Mackay been apprehended in 1868, before leaving the country, and been found to be insane, he would doubtless have been placed in a hospital or asylum and allowed pay the same as if on duty.

Copies of all the papers which appear to be necessary to a full understanding of the case in its present status are transmitted herewith.

Very respectfully, your obedient servant,

CHAUNCEY MCKEEVER,
Acting Adjutant-General.

The SECRETARY OF WAR.

Copy of report and action upon an application of William Mackay Porter, addressed to the Adjutant-General, October 20, 1882, for the removal of the charge of absence without leave against his record as an officer of the Army from July 18, 1868 to December 21, 1869.

[Report of Adjutant-General to the Secretary of War.—Case of William Mackay Porter, late William S. Mackay.]

ADJUTANT-GENERAL'S OFFICE,
October 27, 1882.

He served as an enlisted man in the Third Massachusetts Cavalry, from April 8, 1864, until September 28, 1865, when he was mustered out with the regiment as sergeant major. He next enlisted in the regular Army October 24, 1865, and was assigned to Company D, Third Battalion, Eleventh Infantry, with which he served until September 11, 1866, when he was discharged as first sergeant by reason of appointment as second lieutenant, for which appointment he was recommended by many officers of his regiment. He was transferred to the Twenty-ninth Infantry September 21, 1866, and while an officer of this regiment he left his command at Lynchburgh, Va., July 18, 1868, and remained absent therefrom without authority until December 21, 1869, when he reported in person to the Adjutant-General in this city and explained his absence as follows:

That on July 18, 1868, while laboring under temporary mental aberration, brought on by pecuniary difficulties, he left his post at Lynchburgh, and after wandering purposelessly from city to city he found himself in New Bedford, Mass., where he shipped as cook on board a whaling vessel; that after being some time at sea he came to his senses, and, realizing what he had done, surrendered himself in February, 1869, to the United States consul at Port Louis, Mauritius, the vessel's first port of call; that being out of means and being unable to return to the United States he remained at Port Louis until October 22, 1869, when, with the assistance of the consul, he sailed for the United States, where he arrived December 18, 1869, and reported to the Adjutant-General December 21, 1869.

In view of the peculiar and mitigating circumstances under which he left his command, his explanation of which and of his subsequent wanderings being in part corroborated by the official records, a recommendation that Lieutenant Mackay be

dropped from the rolls as a deserter was recalled by the Secretary of War and he was placed on waiting orders, without trial, from December 21, 1869, date he reported to the Adjutant-General. He remained on this status until March 22, 1870, when he was assigned to the Third Infantry; was promoted first lieutenant, Third Infantry, November 1, 1872, and his resignation as such was accepted to take effect February 15, 1873. In September, 1878, the Second Auditor asked for the military history of Lieutenant Mackay, stating that he claimed pay from July 18, 1868, to December 21, 1869, and was informed that he was borne on the records as absent without leave for the period in question, and the Second Auditor was again so informed in June, 1882.

Mr. Porter (formerly Lieutenant Mackay) now reports the circumstances of his leaving his command, etc., and requests that the charge of absence without leave be removed; that if it is not in the power of the Adjutant-General to change the record, this application be submitted for the action of the Secretary of War. Mr. Porter cites section 1265, Revised Statutes, which says that "officers * * * when absent without leave shall forfeit all *pay* during such absence *unless the absence is excused as unavoidable.*" He claims that his restoration to duty after his acquittal by the Department of *intentional* wrong, his subsequent promotion, and his being intrusted with responsible duties practically excused his absence as unavoidable. Mr. Porter claims, and there is nothing of record to disprove the claim, that there was no reason why he should have willfully absented himself so long without leave, but every reason why he should not have done so. He raises the point that as an officer who is insane can not legally resign, so, by analogy, an officer can not willfully absent himself from his post and duties when insane.

In February, 1872, on a question as to Lieutenant Mackay's status for longevity pay, it was decided by the then Secretary of War, through the Adjutant-General, that Lieutenant Mackay was not entitled to pay for the period while absent, but would be allowed credit therefor in computing length of service.

Respectfully,

R. C. DRUM,
Adjutant-General.

The action of the Secretary of War in this case, which was communicated by letter to Mr. Porter November 1, 1882, was as follows:

This question having been determined by the Secretary of War in 1872, the present Secretary of War declines to take further action.

R. C. DRUM,
Adjutant-General

ADJUTANT-GENERAL'S OFFICE, *October 27*, 1882.

AMERICAN BARK CLEONE,
Harbor of Port Louis, Mauritius, March 2, 1869.

SIR: I have the honor to lay before you, as the representative of the United States at this port, the following statement:

I am a lieutenant in the Twenty-ninth Regiment of regular Infantry in the service of the United States of America, commissioned as such on the 16th day of August, 1866, after serving as an officer of volunteers during the late war. On the 18th day of last July, while serving as assistant adjutant-general on the staff of Brvt. Maj.-Gen. O. B. Willcox, U. S. Army, commanding the district of Lynchburgh, Va., I left Lynchburgh, without leave, on the evening train for Bristol, Tenn., my accounts with the Government unsettled and without notice or a word of farewell to my family or friends. After a few weeks of purposeless wandering through the States and Canada I found myself in New Bedford, when, destitute of money and too foolish to give myself up and apply to my friends, I was induced to ship on the bark *Cleone* for a whaling voyage as cook under the assumed name of William Porter. I have left my wife and child without any warning or provision, deserted the service of the United States, and am in addition a defaulter to a considerable amount until I can settle my accounts.

I can only account for my whole conduct by believing that I was temporarily insane. I had been to sea a little when a boy, and this, with the kind assistance of the steward, who knew my story, enabled me to do my work without detection, although I was utterly ignorant of cooking. The news of my flight and defalcation was published in all our papers of the 24th or 25th of July with orders for my arrest. My only hope now is to get back home as soon as possible and stand my trial, as my friends are willing and able to relieve me from my pecuniary responsibility. Captain Luce has treated me most kindly, and I would have confided in him but from the menial position I occupy. Conversation with him is difficult. I would not wish the owners

of the vessel to lose a cent by me, and would give Captain Luce a draft on New York or England for the amount of my indebtedness to the ship, which draft would be promptly and cheerfully paid on presentation. I would therefore ask you to permit me to surrender myself to you, and to send me home for trial. I would cheerfully accept any employment ashore which would support me until you could communicate with Washington if you considered it necessary. If you will grant me the favor of a personal interview at your office I think I can convince you of the entire truth of my representations. As an officer in the United States service I can not longer act as cook of a whaler. Anxiously awaiting an early answer to this communication,

I am, sir, very respectfully, your obedient servant,

WILLIAM S. MACKAY,
Lieutenant, Twenty-ninth Infantry, U. S. Army.

UNITED STATES CONSUL,
Mauritius.

UNITED STATES CONSULATE,
Port Louis, Mauritius, 10th March, 1869.

SIR: On the 27th February last the whale-ship *Cleone*, of New Bedford, Mass. Capt. Hervey E. Luce, arrived at this port from cruising. On the day after her arrival I received a letter from the cook of the vessel signed William G. Mackay, informing me that he had been a lieutenant in the United States Army and attached, to the Twenty-ninth Regiment of Infantry, and that while acting on the staff of Maj. Gen. O. B. Willcox he deserted the service, as he was a defaulter to the United States in many thousands of dollars, and wished me to arrest and send him home for trial.

On the receipt of this letter I ordered Mackay ashore and he confirmed the statement made in his letter. He also informed me that the account of his defalcation and desertion was published in the newspapers in July last, but on looking over a file of papers in this office I could find no account of it.

As I had nothing to prove his statement I concluded to let him proceed in the vessel to sea.

The ship will cruise between this and Madagascar for the next six months, and will probably at the expiration of that time enter this port again.

If Mackay's statement is true and the Government wish to have him arrested and sent home, I will, on receipt of advices from the Department, do everything in my power to further the ends of justice.

Please find the original letter of Mackay to me, a copy of which is on file in this office, marked Inclosure No. 1.

I have, etc.,

NICOLAS PIKE,
United States Consul.

ANGEL ISLAND, CAL., *June* 29, 1869.

GENERAL: Having serious doubts of the sanity of Lieut. W. S. Mackay, who deserted from the Twenty-ninth Infantry at Lynchburgh, I am constrained to recommend that his name be dropped from the rolls of the Army without further action. Your attention is invited to the opinion of Assistant Surgeon Rose, accompanying this letter.

Very respectfully, your obedient servant,

O. B. WILLCOX,
Brevet Major-General and Colonel,
Late Commanding Twenty-ninth Infantry.

General E. D. TOWNSEND,
Adjutant-General of the Army, Washington.

RICHMOND, *July* 9, 1869.

GENERAL: I have the honor to inclose herewith a communication from General Willcox, late commanding Twenty-ninth Infantry, in the case of Lieut. W. S. Mackay.

In my opinion Lieutenant Mackay exhibited symptoms of derangement for at least three weeks previous to his desertion. Up to this time he had been very sociable, and was esteemed and respected by all who knew him. His devotedness to his wife and family was a subject of comment by all.

During the three weeks prior to leaving he kept himself aloof from everybody and acted so entirely different as to give rise frequently to the remark that "Mackay was changed."

He had become to some extent, as I afterwards learned, involved in debt, and this, I believe, acting on a disordered brain, drove him to take the step he did.

I agree entirely with the opinion of General Willcox, and would respectfully urge that his recommendation in the case be carried out.

Very respectfully, your obedient servant,

GEORGE S. ROSE,
Assistant Surgeon, U. S. Army.

General E. TOWNSEND,
Adjutant-General U. S. Army, Washington, D. C.

No. 1576.—Certificate of non-indebtedness. Issued to W. S. Mackay.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
July 13, 1869.

It is hereby certified that the records of this office do not show any accounts or returns received or due from or chargeable against W. S. Mackay, Lieutenant Twenty-ninth Infantry.

This certificate is granted to satisfy the Pay Department that the above-named officer is not indebted to the United States on the books of this office at the date hereof.

R. M. CLARKE,
Third Auditor.

Examined and entered:

A. M. GANGEWER,
Chief Clerk.

PORT LOUIS, MAURITIUS, *September* 23, 1869.

GENERAL: I beg most respectfully to state for the information of the honorable Secretary of War, that with the kind assistance of the United States consul at this port I purpose sailing in a few days for New York, where I may hope to arrive about the end of December. The War Department will have been apprised some time ago through Colonel Pike, United States consul, of my having arrived at this place in March last, and of my having informed him that I had been absent from my command without leave since the 18th of July, 1868. This he communicated in due course to the State Department and received a reply to the effect that the Secretary of War would apply to Congress for authority to strike my name from the Army Register; but from private communications received by the last mail I am led to hope that if I return to the United States, and submit to trial by court-martial, it will be possible to avoid the odium attendant on a dismissal. As I believe I will be able to prove that at the time I abandoned my duty, and left my wife and family without any preparation or warning, I was laboring under mental aberration, I would most earnestly beg that, taking into consideration my previous services, and the feelings of my poor wife and family, no action may be taken with a view to my dismissal from the service until I can present myself for trial or report my arrival in the United States. I beg that any communication for me on this subject may be addressed to the care of H. H. Tenney, esq., Jay Cook & Co., bank, Washington, D. C.

I have the honor to be, general, very respectfully, your obedient servant,

W. S. MACKAY,
Lieutenant U. S. Army, late Twenty-ninth United States Infantry.

Bvt. Maj. Gen. E. D. TOWNSEND,
Adjutant-General U. S. Army, Washington, D. C.

UNITED STATES CONSULATE,
Port Louis, Mauritius, October 22, 1869.

SIR: I have the honor to acknowledge the receipt of your dispatches Nos. 45 and 46, with inclosure. Referring to No. 45, and its inclosure, I would respectfully inform you that Lieutenant Mackay, U. S. Army, left this port in the steamer *Mozambique* on the 22d instant.

In my dispatch No. 99, I informed you that Lieutenant Mackay would sail from this port in the British *ship Menden* for New York, as I had made arrangements with

the captain of that vessel for his passage. On the eve of his sailing the agents of the *Minden* refused to take passengers. As Lieutenant Mackay was without a home I took him to my own residence, and he has been under my personal observation from that time until his embarkation. I believe that he requires medical care and attention. There being no direct means of communication from this place to the United States, I deemed it my duty, taking into consideration the peculiar circumstances of the case, to send him home by the steamer, giving him a letter to the consul at Alexandria, that he may be sent to his destination. I trust that under the circumstances I may be permitted to draw on the Department for the amount of his passage, etc. I have been assured by persons under whose observation Lieutenant Mackay has been, that while his conduct here has been uniformly good, yet he at times evinced symptoms of mental aberration, although I believe him to be now of sound mind. I may add that he states in the event of his being exonerated from the charge of absence without leave, he will willingly refund the amount of his passage from any pay which he may become entitled to.

I have, etc.,

NICOLAS PIKE,
United States Consul.

WASHINGTON, D. C., *December* 21, 1869.

GENERAL: I have the honor to state for your information that on the 18th of July, 1868, I left my command at Lynchburgh, Va., without permission, and have remained absent until this date. The circumstances attending my absence are such as I trust will warrant a merciful consideration of my case.

At the time I left and for some days previously I was, I firmly believe, laboring under a mental aberration, brought on by pecuniary difficulties, which, preying on my mind, induced me to leave my command and my family without the slightest desire or intention to desert the service. After a purposeless wandering from city to city, of which even now I can give no clear account, I found myself in the city of New Bedford and there was shipped as cook on a vessel bound on a whaling voyage. After some time at sea, I came to my proper senses, and the magnitude of the offense which I had committed in leaving my post was first clearly presented to my mind. There was no possibility of my communicating with my friends or surrendering myself until the arrival of the vessel at her first port of call, Mauritius, in February last, when I at once communicated my case to the United States consul, who at once reported my arrival to the Department of State. From that time to this I have been using every exertion to return to the United States, but from want of means I could not do so until the 22d of October last, when, with the assistance of the consul, I was at length enabled to leave Mauritius, arriving at New York on the 18th instant, and reporting to you in person at the War Department this day.

Such, general, is as nearly as I can state a true outline of my case, borne out, I believe by the communications of the United States consul for Mauritius, and by the opinions of the medical and other officers of the post of Lynchburgh, at the time of my departure. As to my standing and efficiency as an officer, and my personal character previous to my departure, I rely on the favorable report of the many officers under and with whom I have had the honor to serve, both as a regimental officer and while on detached service as a military commissioner, and a registering officer in Virginia, especially Brevet Maj. Gen. O. B. Willcox, then colonel of the Twenty-ninth Infantry. I have, during my service, always endeavored to devote my whole time and attention to my duties, and up to this unfortunate occurrence I have never laid myself open to the slightest censure from my superior officers. I may add that my debts were mainly owing to the many expensive changes of station, which, with a delicate wife and little baby, I had to make in the course of one year, depending as I was solely on my pay.

I would, therefore, earnestly beg that, taking all these circumstances into consideration, with the fact that I was not mentally accountable for my actions at the time of my flight, the General of the Army will be pleased to restore me to duty, assigning me to some post where I may be able to prove, by unceasing application and correct performance of my duties, how much I desire to wipe out the sole blot on my military record, and how grateful I feel for the kind consideration thereby extended to me and mine.

I have the honor to be, general, your obedient servant,

W. S. MACKAY,
Second Lieutenant, U. S. Army.

The ADJUTANT-GENERAL,
United States Army.

WASHINGTON, D. C., *July* 17, 1889.

I hereby certify that I have been Mr. William M. Porter's family physician for about fifteen years, during which time I have noticed mental aberration, steadily increasing in degree and frequency. The first severe attack was in the year 1868, when he was in the Army, lasting seventeen months. Th next in the years 1873, 1875, and 1878.

Each time his mental condition grew worse during the attacks and cleared up less and less between them. Now on account of a severe attack of pleurisy, both physical and mental power have been lost, and he wanders over the country doing the most insane things and often even threatens the lives of his wife and children when they refuse or oppose him in anything.

O. M. MUNCASTER, *M. D.*

Subscribed and sworn to before me on the 23d July, A. D. 1889, and I further certify that I have no interest in his pension or other claims against the Government.

T. S. HOPKINS,
Notary Public, District of Columbia.

Statement of R. S. Lacey, late captain and assistant quartermaster volunteers, In re William M. Porter, alias Mackay, late lieutenant U. S. Army.

I was captain and assistant quartermaster volunteers in the late war. From July, 1865, till the spring of 1869, I was stationed at Lynchburgh, Va., as superintendent of Freedmen's Bureau affairs. When General O. B. Willcox was assigned to duty at this post in 1866, I was placed by him at his headquarters and remained until 1869. One of the general's aids was said Lieut. W. S. Mackay. Under my quasi staff duty, I was at all times in constant daily association with said Mackay at headquarters. In the fall of 1868, without slightest warning or notice to myself or other officers at headquarters, said Mackay abandoned his duty and disappeared. No one could assign cause for his singular conduct. I contributed money with others to send his destitute and penniless wife to her parents. Subsequently, however, I learned that he went directly from Lynchburgh to some sea-port in New England, where he shipped on a whaler under an assumed name, as a galley cook for a three years' cruise. This confirmed my judgment that said Mackay's disappearance was due to some sudden uncontrollable impulse or mental aberration. Under such belief I subsequently assisted largely in securing his return to America from Australia. When afterwards he exhibited the same mental disturbance or loss of mental equilibrium at St. Louis, Mo., by abandoning business, and family without intimation and without any known cause, and enlisting as a private soldier under an assumed name, his act was certainly in consonance with his insane disappearance in Lynchburgh in 1868. His present chronic insanity I regard as merely the permanent exhibition of what has always existed since 1868, in ephemeral form.

R. S. LACEY.

WASHINGTON, D. C., *July* 20, 1889.

GOVERNOR'S OFFICE,
Soldier's Home, D. C., July 23, 1889.

The within accords with my own opinion and belief. There was no earthly cause discovered for a sane man to quit a fine position in the service at Lynchburgh, no trouble nor incentive known. I think he has been insane for many years with occasional lucid intervals of wild impulses.

O. B. WILLCOX,
Brig. Genl., U. S. Army, Governor Soldier's Home.

I, Henry A. Hambright, major, U. S. Army, do certify that I first became acquainted with William Mackay Porter, when he was first sergeant of Colonel Chipman's Company C, Third Battalion, Eleventh Infantry, in the fall of 1865, that in the summer of 1866 said William Mackay Porter, known to me as William Mackay, was commissioned as second lieutenant, United States Infantry, and assigned to my company, E; that he joined at Norfolk, Va., and with his wife formed a member of my family and was treated as such.

As an enlisted man and officer Lieutenant Mackay enjoyed the respect of his inferiors and confidence of his superiors; he was devoted to his duty, of temperate habits,

and in a daily intercourse of many months I found him filling all the requirements of an officer and a gentleman. In July, 1868, he was serving on the staff of Bvt. Maj.-Gen. O. B. Willcox, I believe as A. A. A. G., as well as military commissioner of the twenty-eighth subdistrict of the first military district, Virginia. I learned about this time that he had left his post at Lynchburgh, and shortly after that he was reported as absent without authority.

It was my impression then, when he left his station and duties, that he must have been temporarily insane, as I never learned of any cause or reason for his action. This opinion I also had from others better able to judge, and given after the first heat of indignation at the apparent heartless abandonment of his wife had passed away.

HENRY A. HAMBRIGHT,
Major, U. S. Army, Retired.

LANCASTER, PA., *July* 25, 1889.

DEPARTMENT OF STATE,
Washington, August 29, 1889.

SIR: I have to inclose herewith authenticated copy of a letter from the attorney of Lieut. W. Mackay Porter, with original inclosures, also certified by the Department, and to request you to use your good offices in securing the release of Lieutenant Porter from prison, as these papers seem to establish the fact of his irresponsibility because of unsound mind.

I am, sir, your obedient servant,

ALVEY A. ADEE,
Acting Secretary.

SAMUEL G. RUBY, Esq.,
Consul of the United States, Belfast.

UNITED STATES CONSULATE,
Belfast, September 11, 1889.

SIR: Your dispatch No. 9, of August 29, in relation to W. Mackay Porter, is received with inclosures as stated. As I had already succeeded in securing Mr. Porter's discharge I suppose I can act no further in the matter.

He is now lying in the hospital too weak to rise from his bed, and it is highly probable that he will not live longer than a few weeks.

He has a small sum of money, not sufficient to pay his expenses to the United States. Should he so far recover as to be able to make the voyage, as I understand it I have no authority to return him at the expense of the Government.

I have the honor to be, sir, your obedient servant,

SAMUEL G. RUBY,
Consul.

Hon. WM. F. WHARTON,
Assistant Secretary of State, Washington, D. C.

UNITED STATES CONSULATE,
Belfast, September 20, 1889.

SIR: I beg to inform you that W. Mackay Porter, in relation to whom your dispatch No. 9 of August 29 was written, died in the hospital here on the 18th instant.

I have the honor to be, sir, your obedient servant,

SAMUEL G. RUBY,
Consul.

Hon. WM. F. WHARTON,
Assistant Secretary of State, Washington, D. C.

2011 I STREET,
City of Washington, October 29, 1889.

MY DEAR GENERAL: Mrs. Porter will hand you this. She is the widow of William Mackay Porter, who was once a clerk in the Adjutant-General's Office.

There is a singular history connected with this man, involving great suffering to his wife, and all growing out of fits of aberration of mind, to which he was subject. Mrs. Porter is perfectly truthful, and can give you such points as you desire.

Her case, for pension and some pay, I believe, she tells me is to go before the Secretary to-morrow, and it is important she should have testimony about his strange actions while suffering from aberration of mind. He was an officer of the Twenty-ninth Infantry, and left his post mysteriously in 1873 under the delusion that he was a defaulter. Investigation satisfied me that it was not so, and I caused him to be returned to duty. He afterwards resigned, went off and enlisted, and was reported absent without leave. He was relieved from the penalty, except loss of pay, on the same ground, and was detailed as a clerk in the office. When sane he was an excellent man and clerk.

General Breck may remember that he paid a voucher for sending Short, a messenger, after him once when he went away in the same singular manner. His end was really tragic. He wandered off, got a passage in some way to Ireland, was arrested there for some irregularities, was found to be insane, died in a hospital in his native city, attended by the clergyman who was his pastor in childhood, and was buried beside his father, far away from wife and children.

This is a genuine case, and if you can do anything to help Mrs. Porter (I mean in finding evidence) you will serve a most meritorious woman who has borne unusual trials with wonderful fortitude.

Sincerely, yours,

E. D. TOWNSHEND.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 13, 1889.

SIR: Referring to the application filed by you for an amendment of the records of the War Department so that they shall show that William M. Porter, alias William S. Mackay, now deceased, was involuntarily and unavoidably absent from his command and duties as a second lieutenant of the Twenty-ninth United States Infantry instead of absent without leave from July 18, 1868, to December 21, 1869, I have the honor to inform you that the Secretary of War, to whom the papers have been submitted, is of the opinion that Congress is the only authority which can, under the facts of record, properly allow or definitely decide the claim for change of record and allowance of pay.

The War Department will be prepared, in case any committee of Congress having this claim under consideration shall call for information, to furnish the committee with all the facts of record bearing upon the circumstances and cause of Mr. Porter's absence.

Very respectfully, your obedient servant,

J. C. KELTON,
Adjutant-General.

D. I. MURPHY, Esq.,
Attorney, P. O. Box 534, *Washington, D. C.*

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2581.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 12906.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 12906) for the relief of John McManus, late private of Company I, One hundred and sixteenth Regiment Pennsylvania Volunteers, having had the same under consideration, beg leave to submit the following report:

The facts in this case are set forth in the following report of the House committee on this subject, which the committee adopt and recommend the passage of the bill:

The Committee on Military Affairs, having considered the bill (H. R. 12906) for the removal of the charge of desertion against John McManus, late a private in Company I, One hundred and sixteenth Regiment Pennsylvania Volunteers, and having examined the report of the War Department thereon and other evidence filed, state that said John McManus was wounded at the battle of the Wilderness on May 5, 1864, and was treated in hospital until September 27, 1864, when he was returned for duty, but placed again in hospital September 29, 1864, and remained there until he was furloughed October 18, 1864, and failed to return either to hospital or his command.

The evidence shows that the gunshot wound was in his left thigh, and that when he returned home he had a running sore and was under a physician's care until after his regiment was mustered out of the service, and that he is now a cripple from said wound. Also, that he is a very ignorant man, with no knowledge of military law; that he had no intention of deserting the service, and that he was unfit for duty during the remainder of the war.

Your committee recommend the passage of the bill with the following amendment: Add to the bill the following words: "To date from the eighteenth day of November, eighteen hundred and sixty-four."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2582.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13445.]

The Committee on Pensions, to whom was referred the bill (H. R. 13445) granting a pension to Evaline Laverty, have examined the same and report:

The report on which this bill passed the House is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 13445) granting a pension to Evaline Laverty, have considered the same and report as follows:

Mrs. Laverty's father, Joseph Darling, served 6 months as a soldier in the Revolutionary war with the Massachusetts troops commanded by Captain Wilder and Colonel Nelson. This service is a matter of record in the Bureau of Pensions.

It is reliably shown that Mrs. Laverty is now 86 years old and very feeble, and that she owns no property of any kind except her bed; also that she is wholly dependent for support upon her daughter, who is herself very poor.

There are several precedents for this legislation, and in view of the great age and dependent condition of the applicant your committee recommend the passage of the bill with an amendment to fix the rate of pension at $25 per month.

This report is not concurred in. The bill provides for the pensioning of Mrs. Laverty, of Michigan, a daughter of Joseph Darling, who was a Revolutionary soldier, at the rate of $25 a month. The policy of pensioning this class of applicants is based upon their worthiness and poverty, and while these conditions appeal to the charity of the Government, any precedents which encourages solicitations for relief from a class not embraced in or recognized by the statutory provisions should not be adopted or persisted in. In all general legislation liberal recognition has been observed as to the dependents who should be benefited; and, in the opinion of the committee, the line has been drawn with a view to equity and justice.

While it is proper to pension the dependent relatives of soldiers who received assistance from them before enlistment, or even to extend this benefit to an imbecile or helplessly deformed brother or sister, if the policy is persisted in of pensioning persons of the class included in this bill the result will be to flood Congress with appeals from brothers, sisters, and daughters, and the effect would be to injure rather than to benefit. A system that encourages dependence upon charity, whether dispensed by the Government or by individuals, is demoralizing, and that would be the tendency of indiscriminate special legislation that encourages persistence in the constantly multiplying appeals to Congress.

The bill is reported adversely with a recommendation that it be indefinitely postponed.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2583.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 1198.]

The Committee on Pensions, to whom was referred the bill (H. R. 1198) granting a pension to Amelia T. Seywert, have examined the same and report:

The committee does not concur in the report on which this bill was passed by the House, which is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1198) granting a pension to Amelia T. Seywert, have considered the same and report as follows:

The claimant is the sister of Charles H. Miller, who enlisted November 3, 1859, under the name of Charles Monroe, in Battery G, Second United States Artillery, and served continuously (with two reënlistments) until March 8, 1870, when honorably discharged.

He subsequently enlisted under the same name (Charles Monroe) May 22, 1872, as a seaman on the revenue cutter *Reliance* and was discharged July 15, 1873.

On the 23d of June, 1885, the soldier made application for pension on account of chronic diarrhea and its results incurred during his service in the late war. This claim was allowed at $10 per month, to begin March 19, 1886, and end May 19, 1886, the soldier having died on the last named date. The soldier died prior to the allowance of the claim, and he having left no widow or minor children, his sister, Mrs. Seywert (the beneficiary under this bill), completed the claim, and was allowed the small amount of accrued pension as a partial reimbursement for the expenses of his last sickness and burial.

The testimony shows that Mrs. Seywert took care of and provided for her brother, the said soldier, during all his years of suffering from 1873 until May 19, 1886, when he died. It is further shown that Mrs. Seywert is now about 75 years old and helpless, being dependent upon the small salary of a daughter which barely supplies the necessaries of life. In view of the applicant's devotion to her brother during the long period of his sickness, and the fact that his sickness and death were the results of his long and faithful service, your committee recommend the passage of the bill with an amendment striking out all provision for arrears of pension, and providing for a pension at the rate of $12 per month from the passage of the act.

The law designates who are the dependent relatives of soldiers, and it does not apply to the beneficiary in this bill. It is doubtless true that she gave her brother proper attention and care, as related in the House report, but that does not constitute a claim, nor justify the passage of a special act. The recognition of claims based upon such a statement of facts would extend to relatives of soldiers of this class an invitation to appeal to Congress for pensions that are excluded by the general laws, and that it was never the policy or design of the Government to grant. If there have been any precedents of this character, and if there have they have been very rare, it is plainly the duty of Congress to see that they are not multiplied and to discourage, as far as possible, solicitations for Government aid that are multiplying without a proper regard for consistency and propriety.

The bill is reported adversely, with a recommendation that it be indefinitely postponed.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2584.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R 11989.]

The Committee on Pensions, to whom was referred the bill (H. R. 11989) granting a pension to Augusta J. Crawford, have examined the same and report:

The report on which this bill was passed by the House is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11989) granting a pension to Augusta J. Crawford, have considered the same and report:

The claimant is the daughter of Joseph Crawford, who served as a corporal in Capt. John Mack's company of Col. John Harris's First Regiment New York Militia, from January 13, 1814, to April 21, 1814, in the war of 1812. This service is the matter of record in the office of the Third Auditor of the United States Treasury.

Accompanying the bill is the testimony of Joel M. Tuttle, of Norwalk, Huron County, Ohio, setting forth that Joseph Crawford died in March, 1864, leaving several children, one of whom, Augusta J. Crawford, has become so much of an invalid from inflammatory rheumatism as to be unable to help herself. The witness further states that the applicant has no means of support and is dependent upon charity.

This witness is reliably shown to be a man of high character, and one whose word can be implicitly relied upon.

There are several precedents for the allowance of pensions to the disabled and dependent daughters of the soldiers of the war of 1812. Among these is the case of Mrs. Delia S. Parnell, passed at this term of Congress.

The passage of the bill is recommended.

Amend by changing the name of the organization to which the soldier belonged to Capt. John Mack's company, Colonel Harris's regiment.

The committee do not regard the pensioning of this class of claimants as a good precedent. The examples of allowing pensions of this description are very rare, and if followed it would only result in multiplying applications that are of very doubtful merit.

The person provided for in this bill is the surviving daughter of Joseph Crawford, who served 3 months during the year 1814 in the war of 1812. The soldier died in 1864, and 27 years after a bill is introduced to pension one of his children, who has become an invalid in consequence of "inflammatory rheumatism." Mr. Crawford left several children, and either of them might, with equal propriety, make a similar appeal to Congress.

The report says there are several precedents of this description, but the committee are of the opinion that they are very rare, and that it is the province and duty of Congress to see that they are not multiplied. Relief by special act should be restricted to those who are entitled to it by general law, but whose pensions, for some reason beyond their control, are delayed or defeated on account of defective records. So

licitations for Government relief are becoming very numerous, and they are made without that strict regard to propriety and equity which should govern in all cases, and especially in those that relate to pensions.

The bill is reported adversely with a recommendation that it be indefinitely postponed.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2585.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 1290.]

The Committee on Pensions, to whom was referred the bill (H. R. 1290) granting a pension to Mary A. Bailey, have examined the same and report:

The report on which this bill was passed by the House is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1290) granting a pension to Mary A. Bailey, have considered the same and report as follows:

The claimant is the daughter of Thomas Vance, who served from 1777 to 1780 in the New Jersey regiment commanded by Colonel Spencer in the war of the Revolution. He received a pension at the rate of $96 per annum on account of said service.

It is reliably shown that Mary A. Bailey is 84 years old, and very feeble, poor, and dependent. Five of her brothers served in the war of 1812.

There are several precedents for the allowance of pensions to the aged and dependent daughters of the soldiers of the wars with Great Britain; that of Delia Stewart Parnell is one of them.

Your committee therefore return the bill, recommending its passage.

The committee does not concur in this report. The very rare precedents of this kind have tended to increase the number of applications by descendants of Revolutionary soldiers, and, if followed, the tendency will be to multiply the demand for special legislation, which should be avoided and for which there is no warrant. The father of the beneficiary served during the war of the Revolution, and drew his pension as provided by law. The House report favors the bill on account of her age and dependence, and refers to precedents, including that of Delia T. S. Parnell, as one of them. Delia T. S. Parnell is the daughter of Charles Stewart, admiral of the United States, and in the naval service in the war of 1812, the war with Mexico, and the war for the Union.

In the opinion of the committee applications of this kind to Congress are increasing, and it is in consequence of the encouragement extended by the introduction of bills of this kind. There may be needy cases, but an appeal to Congress should be confined to those who have a legitimate claim; otherwise a very considerable number of applicants will become solicitors for Government aid, who would never have thought of such an expedient but for the facilities that ill-advised legislation would offer for success.

The bill is reported adversely, with a recommendation that it be indefinitely postponed.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2586.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 4426.]

The Committee on Military Affairs, to which was referred the bill (H. R. 4426) for the relief of Charles Fletcher, alias James H. Mitchell, have duly considered the same and adopt the report made in the House, and report the bill back to the Senate and recommend its passage. Said report is as follows:

[House Report No. 2653, Fifty-first Congress, first session.]

The evidence offered shows that Charles Fletcher, under the name of James H. Mitchell, was mustered in as a private of Company H, Ninety-fifth New York Volunteers, January 7, 1865, to serve three years, and was reported as deserted June 15, 1865, from Ball's Cross Roads, Virginia. The command was mustered out of service one month later.

This soldier says he did not intend to desert, but was broken down in health, and, being sick, he left the command at Arlington and returned to his home in the District of Columbia, and that when he was convalescent he found that his company had been mustered out of service and disbanded. The soldier did not absent himself until after the war was over. The evidence offered in the case is printed herewith and made a part of this report.

The committee recommend that the bill do pass.

Case of Charles Fletcher, alias James H. Mitchell, late private Company H, Ninety-fifth New York Volunteers.

The records show that James H. Mitchell was enrolled and mustered in as a private of Company H, Ninety-fifth New York Volunteers, at Tarrytown, N. Y., January 7, 1865, to serve three years, and appears present for duty until June 15, 1865, when he deserted from Ball's Cross Roads, Virginia.

He did not rejoin his command up to its muster-out on July 16, 1865, nor report his whereabouts or the cause of his absence to the proper military authorities of the United States.

His original application was returned to him (through his attorney) on June 27, 1889, with the information that his case was not covered by the act of March 2, 1889 (his total service prior to May 1, 1865, amounting to a less period than six months).

As no new evidence has been presented (he filed none in support of his original claim) the soldier's status has not since been changed.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

RECORD AND PENSION DIVISION, *February 27, 1890.*
The SECRETARY OF WAR.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

Francis C. Tucker, of lawful age, being duly sworn, deposes that he resides at 2530, P street, northwest, Washington, D. C., and has all his life known the applicant, Charles Fletcher, and in the fall of 1864 affiant gave Fletcher money to go to New York and enlist in the Army.

A short time thereafter he received a package of $250 from Tarrytown, N. Y., and having told the express agent he expected money from Charles Fletcher, the same was withheld, because sent by James H. Mitchell, until correspondence revealed the fact that they were one and the same person.

That affiant thereafter learned that Fletcher had enlisted in Company H, Ninety-fifth New York Volunteer Infantry, and learning about the 1st of July, 1865, that said regiment was encamped just across the river, he visited claimant and found him there serving in said company and regiment, under the name of James H. Mitchell.

That applicant came to the city to visit his friends the 4th of July, and was taken sick and was unable to rejoin his regiment prior to their taking transportation to New York; and that he has no interest in the application.

FRANCIS C. TUCKER.

Witness:
THOS. J. STALEY.

Sworn to and subscribed before me this 21st day of June, 1889, and I further certify that I have no interest in this application.

[SEAL.]

THOMAS J. STALEY,
Notary Public.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

Charles Fletcher, being duly sworn, deposes and says that he is the identical person who enlisted and served in Company H, Ninety-fifth Regiment, New York Volunteer Infantry, under the name of James H. Mitchell.

That from his birth to the time of his enlistment he resided in the said District of Columbia, and his parents and friends being averse to his going in the Army, he went to Tarrytown, N. Y., and there about December, 1864, he enlisted in said company and regiment.

That he served faithfully till the close of the war, and while on the march home and while said regiment was at Arlington Heights, Virginia, just across the river from the city, he came over to visit his friends.

That his health was very much broken with the fatigues of the spring campaign and rapid march returning and he was taken ill, and while ill his regiment moved, and when convalescent he learned that they had been paid off and disbanded.

That he fully intended to serve out his full period of enlistment and would have done so had he not been prevented as above stated and set forth, and he asks, in view of the premises, that he be now honorably discharged, and any and all charges standing against him be removed and canceled.

(On the margin:) The deponent further says that none of the officers or enlisted men in said regiment know him by any other name than James H. Mitchell.

CHAS. FLETCHER.

DISTRICT OF COLUMBIA, *ss:*

Subscribed and sworn to before me the 21st day of June, 1889, and I further certify that I have no interest in this application. I further certify that the marginal note was made before signing.

[SEAL.]

WILLIAM W. MOFFETT,
Notary Public.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

In the matter of the application of Charles Fletcher, alias James H. Mitchell, for removal of charge of desertion, personally appeared Charles Fletcher, who, being duly sworn, deposes and says that within a few days after his enlistment he joined his company, the same being Company H, Ninety-fifth Regiment, New York Volunteer Infantry, and took part with them in the battles of Dabney's Mills, Hatcher's Run, and Five Forks.

That the weather was very bad and stormy during the entire spring campaign; that he was but sixteen years of age, and the exposure and fatigue brought on piles and rheumatism, which were aggravated by the rapid march back to Washington.

That he has held no correspondence with either officers or men of his company and does not know their whereabouts.

That when he obtained leave to visit his family in this city he fully intended to return to duty on the day following, and would have done so had he not been taken down with fever.

That there was no other duty remaining to be done by him except to proceed to New York, be mustered out, and to receive his pay.

CHARLES FLETCHER.

Subscribed and sworn to before me this 24th day of March, 1890.

[SEAL.]

N. D. ADAMS,
Notary Public

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2587.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 11070.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 11070) to correct the military record of Jesse C. Taylor, have had the same under consideration, and submit the following:

The subjoined report of the House sets forth the case in detail, and your committee, after proper consideration, recommend that the bill pass as amended.

[House Report No. 2886, Fifty-first Congress, first session.]

That the evidence filed before the committee show that Jesse C. Taylor while in the line of duty was captured by the Confederate forces and paroled, returning to his home in Linden, Tenn. When released from parole he could not without great danger of recapture or being killed rejoin his regiment on account of the Confederate forces being between his home and his regiment. He enlisted in another regiment, served out his time, and received an honorable discharge. The committee are of the opinion that this soldier had no intention of deserting the service of the U. S. Army, and therefore recommend the passage of the accompanying bill. The committee refer to the report of the Secretary of War, which is hereto attached and made a part of this report:

WAR DEPARTMENT,
Washington City, July 15, 1890.

SIR: In reply to your request of the 14th instant for information upon House bill 11070, Fifty-first Congress, first session, to provide for the relief of Jesse C. Taylor, late of Sixth Tennessee Cavalry, I have the honor to inclose a report from the officer in charge of the Record and Pension Division of this Department.

It is suggested that the words "War Department" be substituted for the words "Office of the Adjutant-General of the United States Army" in the bill, the records being under the immediate charge of the Secretary of War and not of the Adjutant-General.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

Hon. B. M. CUTCHEON,
Chairman Committee on Military Affairs, House of Representatives.

Case of Jesse C. Taylor, late of Company E, Sixth Tennessee Cavalry.

RECORD AND PENSION DIVISION, *July* 15, 1890.

Jesse Taylor, private, Company E, First West Tennessee Cavalry (subsequently Sixth Tennessee Cavalry), was enrolled at Bethel, Tenn., September 18, 1862, to serve three years, and mustered in at LaGrange, Tenn., November 13, 1862. On

the muster-roll of company, dated December 31, 1862, he is reported, "On detached service, Special Orders No. 92, since December 15, 1862." On roll for January and February, 1863, he is reported, "Captured by the enemy near Hamburgh, Tenn., January 23, 1863;" March and April, 1863, "Absent, prisoner of war since January 24, 1863;" May and June, 1863, "Captured and paroled;" July and August, 1863, "Deserted—absent since June 10, 1863."

His name is dropped from all subsequent rolls of the company.

The prisoner of war records furnish no information in the case.

On November 20, 1863, in violation of the twenty-second (now fiftieth) Article of War, he enlisted as a private in Company F, Second Tennessee Mounted Infantry, to serve one year, and is reported present or otherwise properly accounted for on the muster-rolls of that company until January 19, 1865, on which date he was mustered out with company.

In affidavit executed November 15, 1882, the claimant declares that on January 14, 1863, he was captured by the rebels in battle, and was held as a prisoner of war until paroled by the rebel authorities; that, being paroled, he did actual service until the close of the war.

The application for removal of the charge of desertion was denied January 5, 1883, on the ground that the charge of desertion was properly made.

The case was subsequently submitted with the following additional testimony:

W. C. Webb, aged forty-two years, of Linden, Tenn., late captain, Company G, Sixth Tennessee Cavalry, in affidavit executed April 16, 1883, declares that he was first lieutenant of Company E, Sixth Tennessee Cavalry, at the time (January 24, 1863) claimant was reported on the muster-rolls of said company as being absent, prisoner of war; that he was so reported until he was reported a deserter on the rolls of company from June 20 to August 31, 1863; that he was so reported a deserter by order of Col. Fielding Hurst, then commanding the regiment, who assigned as a reason for so doing that he had learned that claimant had been released from capture and had had sufficient time to return to his regiment.

Affiant further states that when he next saw claimant the latter was a member of the Second Tennessee Mounted Infantry, and that he did not return to his regiment for the reason that the dangers and distance between him and his regiment were too great.

John W. Taylor, aged forty years, of Linden, Tenn., late captain, Company F, Second Tennessee Mounted Infantry, in affidavit executed April 17, 1883, declares that on November 20, 1863, claimant enlisted in said company and regiment to serve one year; that said claimant had formerly belonged to Company E, Sixth Tennessee Cavalry, and had been taken prisoner of war, had been released, and had come home. Affiant further states that it would have been a dangerous undertaking for claimant to have tried to return to his old regiment at the time he was enrolled by affiant, for the reason that there were rebel bands all through the country, and his old regiment a good distance off.

On June 23, 1883, the attorneys in the case were informed that the rejection in this case was based upon the facts and the existing laws, and no further action can be had by this Department.

On September 28, 1889, the claimant was informed, by indorsement, that the provisions of the act of Congress approved March 2, 1889, do not cover this case, for the reason that the period of his absence between the dates of his desertion and re-enlistment exceeded four months.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

A BILL TO CORRECT THE MILITARY RECORD OF JESSE C. TAYLOR, SIXTH TENNESSEE CAVALRY.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on said rolls and records against Jesse C. Taylor, late of Company E, Sixth Tennessee Cavalry.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2588.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13545.]

The Committee on Pensions, to whom was referred the bill (H. R. 13545) for the relief of Thomas E. Breckenridge, late of Company A, California Battalion, Mexican war, have had the same under consideration, and have adopted the House report, which is as follows:

[House Report No. 3876, Fifty-first Congress, second session.]

The claimant served as a private in Captain Owen's company of Fremont's battalion, California Mounted Volunteers, in the war with Mexico, and he is now in receipt of the Mexican war service pension provided by the act of January 29, 1887.

The following testimony accompanies the bill:

STATE OF COLORADO,
County of San Miguel, ss:

Thomas E. Breckenridge, being duly sworn, doth depose and say, that I am the identical Thomas E. Breckenridge who made application No. 18347 for increase of pension under an act of Congress January 29, 1887, for services rendered during the Mexican war.

That I will be 66 years old on March 15, 1891, and that I have been afflicted with rheumatism for the last 12 years, and to that extent that I have been unable to do manual labor for the most of that time, and for the 3 years last past totally unfit for any manual labor.

That I have a wife to support, and that I have no means with which to support myself and family, except by manual labor.

That I own no real estate in this State, or in any other State or Territory.

That during my service in the Mexican war, and in the year 1847, I was detailed by Col. John C. Fremont, at that time Military Governor of California, to carry dispatches from Los Angeles, Cal., to St. Louis, Mo., and during that service I had the bones of my left wrist broken, caused by the fall of my horse, and that this accident occurred in Arizona Territory, and that there was no physician or surgeon within 500 miles, and that by improper setting of the bones and lack of proper care and treatment my left arm is crippled.

That I joined the topographical corps under Capt. John C. Fremont at St. Louis, Mo., in May, 1845, and that I continued in said service until sometime in the summer of 1846, when I enlisted in the "California Battalion," in Company A, under Richard Owens, captain; William N. Loker, first lieutenant; Col. John C. Fremont commanding.

That during said service in the topographical corps, we made the trip and explored the country from Kansas City, Mo. to what is now Sacramento City, Cal., occupying a period of about 10 months, and being constantly exposed to the dangers of travel through a hostile Indian country, and to the cold weather and storm on the crest of the Rocky Mountain in midwinter, and that upon our arrival at what is now known as Sacramento City, and while engaged in replenishing our stock of animals preparatory to making the trip north to Oregon, we were attacked by Mexicans and driven out of the country, and went to Kalmath Lake, Oregon Territory,

and at that point we were overtaken by messengers from Commodore Stockton, announcing that war had been declared between the United States Government and Mexico, upon which we returned to Sacramento with Colonel Fremont and were discharged by him from the topographical corps, and immediately enlisted in the California Battalion as above stated.

That I enlisted in the said California Battalion about July 1, 1846, and continued in the service until the close of the war.

That I am the identical Thomas E. Breckenridge, whose evidence was taken before the Military Committee of the Senate, to which was referred the petition of John Charles Fremont in relation to California claims on the Government of the United States in the year 1848, said committee consisting of Mr. Cass, chairman; Mr. Benton, Mr. Crittenden, Mr. Dix, Mr. Rusk, and Mr. Davis.

Subcommittee appointed to take evidence, Messrs, Benton, Crittenden, and Rusk.

And that I am the identical Thomas E. Breckenridge mentioned in the report of evidence taken by said committee, who was with nine others detailed by Colonel Fremont as a garrison at Santa Barbara, Cal., and to which said report and evidence reference is here made, as to particulars regarding danger and exposure endured by said garrison.

And I further depose and state that at the close of the Mexican war, I returned to St. Louis, Mo., and in the fall of 1848 I again joined the topographical corps, under Fremont, and was in that service about 8 months, and went with him through the Indian country across the plains, to a point on the upper Rio Grande River, near what is now known as "Del Norte," in Colorado, and at that point we encountered a terrible snowstorm in the Rocky Mountains, and lost all of our stock, and from exposure about one-third of our party died, we being obliged to make our way back a distance of 180 miles, over the snow-covered mountain, on foot, and with no provisions except such as we could kill on the road; it was on our return trip, after the loss of our stock that my comrades died from exposure and starvation. On our arrival at Taos, N. Mex., the entire party were blind from exposure to the snow (what is called snow blindness), and in a more or less frozen condition.

After a short stay at Taos, Fremont, having received new supplies from the Government, proceeded through New Mexico and Arizona to Los Angeles, Cal., at which point I was dismissed from the service in the topographical corps without payment of any kind, the entire corps being disbanded.

And I further depose and state that for said services I have never received any pay either from John C. Fremont or any other person, nor from the Government.

And I further state that, on account of the hardship and exposure endured during the Mexican war, and while in the service of the United States Government, at the age of nearly 66 years I am broken in health and crippled by rheumatism to such an extent as to be unable to support myself and family.

THOMAS E. BRECKENRIDGE.

Sworn to and subscribed in my presence at my office in Telluride, San Miguel County, Colo., this 4th day of February, A. D. 1891.

[L. S.]

C. S. WATSON.
Clerk of District Court.

STATE OF COLORADO,
County of San Miguel, ss:

James A. Beattie, sheriff of San Miguel County and State aforesaid, being duly sworn doth depose and say, that I am well acquainted with the deponent, Thomas E. Breckenridge, and that I have known him for a period of 12 years, and know that he is the identical person that he represents himself to be, and that his character for truth and veracity is good, and that I verily believe that the statements made by him in the above affidavit are true.

And I believe that he is deserving of any and all recompense or pension that may be awarded him by the Government by reason of his extraordinary services to the Government during the Mexican war and while connected with Fremont's topographical corps, and by reason of his broken health and his inability to support himself and family.

JAS. A. BEATTIE.

Sworn to before me the 4th day of February, A. D. 1891.

[L. S.]

C. S. WATSON.
Clerk of District Court.

STATE OF COLORADO,
County of San Miguel, ss:

I, James McWilliams, treasurer of San MiguelCounty and State aforesaid, do hereby certify that the deponent has been to me known for a period of 9 years, and that he is a man of good character and habits. And I further certify that from personal knowledge I know that he has for several years been afflicted with rheumatism, and know that he has no property or means with which to support himself and family, except by manual labor, for which he is totally unfit.

[L. S.] JAMES MCWILLIAMS.

In view of the facts stated above your committee are of the opinion that the case is a deserving one and that the relief prayed for should be granted. The bill is therefore returned with a favorable recommendation.

Note: Amend the bill by striking out the word "fifty" in line 8 and inserting in lieu thereof the word "thirty."

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2589.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany joint resolution (S. R. 160) authorizing the publication of a history and digest of the international arbitrations to which the United States was a party.]

The Committee on Printing, to whom was referred the above joint resolution, having considered the same, report it back with the recommendation that it be indefinitely postponed, and that the joint resolution submitted with this report be passed in lieu thereof, and that there be printed the usual number of copies of a history of the international arbitrations to which the United States was a party, together with a digest of the decisions rendered in such arbitrations, and in addition to the said usual number there be printed 4,000 copies, to be bound in law sheep; 1,000 copies for the use of the Senate, 2,000 copies for the use of the House, and 1,000 copies for the use of the Department of State.

The history and digest will together make about three octavo volumes of between 800 and 900 pages each, or almost the same bulk as Wharton's International Law Digest, and will probably cost about $3,000 to print and bind the number of copies proposed in the resolution. This resolution provides for the completion of the work contemplated in the joint resolution approved July 28, 1886, which provided for the printing and binding of a digest of the international law of the United States, taken from the opinions of Presidents, Secretaries of State, and Attorneys-General, and from the decisions of Federal courts.

The Secretary of State in a letter of date February 20, 1891, addressed to the chairman of this committee, emphasizes the importance of the history and digest, and urges the printing of the work. His letter is herewith submitted and made a part of this report.

There were 4,000 extra copies of Wharton's Digest of International Law printed, at a cost of $2,851.

DEPARTMENT OF STATE,
Washington, February 20th, 1891.

SIR: I have received a letter, dated the 17th instant, from Mr. W. H. Michael, clerk of printing records of the Senate, asking me to give to the Committee on Printing some expression of my opinion as to the need and desirability of the publication of a history and digest of the international arbitrations to which the United States was a party, and for the authorization of which a bill was lately introduced by Mr. Evarts (S. R. 160) in the form of a joint resolution, and referred to your committee.

I have the honor to assure you of my conviction of the need and desirability of the publication of the work, and of its positive value as a history and a book of reliable reference. It was compiled by Mr. Moore, Third Assistant Secretary of State, who brought to the performance of the task careful scholarship, painstaking industry, and a high order of intelligence. I welcome its accomplishment with gratification, and venture to hope that the passage of the joint resolution authorizing its publication may meet with no insurmountable obstacle.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

Hon. CHARLES F. MANDERSON,
Chairman Committee on Printing, United States Senate.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2590.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany joint resolution (S. R. 163) authorizing the printing of the annual report of the Chief of the Bureau of Statistics for 1890, on internal commerce.]

The Committee on Printing, to whom was referred the above joint resolution, having considered the same, report it back with the recommendation that it be indefinitely postponed, and that the concurrent resolution herewith submitted, providing for the same printing, be passed instead.

It is deemed better by the committee that the authorization for printing this and all similar reports be in the form of concurrent rather than joint resolution. The concurrent resolution simplifies and expedites business of this kind.

The number of copies of this report is the same as printed heretofore, and the distribution is the same.

The cost of the printing and binding will be $8,284.50.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2591.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany joint resolution (S. R. 152) authorizing the printing of a history of the monument erected by the United States Government to commemorate the close of the Revolutionary war at Yorktown.]

The Committee on Printing, to whom was referred the above joint resolution, having had the same under consideration, report it back with the recommendation that it be indefinitely postponed, and that the concurrent resolution submitted herewith be passed in its stead.

While the committee is of the opinion that the proposed history should be printed, it does not think that there is need of 20,000 copies, and has therefore reduced the number of copies to 10,000.

The history will make a volume of about 50 octavo pages and will be illustrated with engravings of the Yorktown monument, Carpenter's Hall, Independence Hall, the Moore House at Yorktown, in which Washington made his headquarters, and the present Capitol.

The French nation took so much interest in the Yorktown centennial that they sent a delegation of distinguished citizens over to participate in the celebration, and afterwards printed an elaborate report of the proceedings, made by Le M. de Rochambeau, correspondent to the Minister of Instruction of the French Republic. The French report makes 341 pages, royal octavo, printed on extra paper and handsomely bound. It would seem, hence, that our own Government should put in permanent form a modest report of this interesting and important historical event.

The cost of printing 10,000 copies will be $2,455.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2592.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany joint resolution (S. R. 161) authorizing the printing of 22,000 copies of the statistical abstract of the United States for the year 1890, prepared by the Bureau of Statistics, Treasury Department.]

The Committee on Printing, to whom was referred the above joint resolution, having considered the same, report it back with an amendment, and thus amended recommend that it do pass.

PROPOSED AMENDMENT.

In line 7, after the word Senate, strike out "fifteen" and in lieu thereof insert the word "ten."

The cost of the printing and binding will be about $2,400.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2596.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 9030.]

The Committee on Military Affairs, to wh ich was referred the bill (H. R. 9030) to remove the charge of desertion from the record of James M. Thompson, have duly considered the same, and submit the following report:

This bill directs the Secretary of War to remove the charge of desertion from the record of James M. Thompson, and grant him an honorable discharge as of date April 8, 1865. The record shows that he was duly mustered into the service on February 1, 1865, to serve 3 years, and his company was duly mustered out on April 18, 1866, and said soldier was with his said company or on detached service up to April 10, 1866.

The evidence shows his absence from April 10, 1866, up to April 18, 1866, when he would have been mustered out with his company, to have arisen from sore eyes. Your committee believe he should be relieved from the charge and discharged as of date, April 10, 1866, and the House bill amended by striking out the words "eighth" and "sixty-five" and insert "tenth" and "sixty-six," and as amended, your committee recommend its passage.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2594.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 3642.]

The Committee on Military Affairs, to which was referred the bill (S. 3642) to remove the charge of desertion from the record of Benjamin Hartley, have duly considered the same and submit the following report:

Accompanying this bill there was presented to your committee a petition dated March 14, 1888, and verified by affidavit of the claimant on the same day, signing by his mark, in which the claimant states that he enlisted in Company C, Twenty-second Ohio Volunteers, April 22, 1861, for 3 months; was discharged August 19, 1861, and was again enlisted as a private in Company C, Thirty-third Ohio Volunteer Infantry for 3 years or during the war, and was mustered into the service August 27, 1861, and on the 16th of October, 1862, was captured near Crab Orchard, Ky.; was paroled and sent to Columbus, Ohio, and placed in Company F, Fifth Parole, under Colonel Boone; and on December 5, 1862, was transferred to Company D, Second Battalion, Eighteenth United States Infantry, by order of the War Department; and that he served faithfully, and while at Graysville, Ga., in March, 1864, he was given the privilege as a volunteer to veteranize, which he did, it being his understanding that he was reënlisting for 3 years, or during the war, unless sooner discharged; that he received a veteran furlough, went home, and returned to his regiment at Graysville 2 days before the expiration of his furlough; served until July 2, 1865, at Lookout Mountain, Tenn., when, believing that his whole duty was done he quit and returned home. He claims that he was placed in the Regular Service by order of the War Department and had no choice in the matter, but acquiesced, and performed his duty until the war was over, when his presence was needed more at home than at the front. He left his command and returned home, and now prays that the charge of desertion against him be removed.

Your committee referred the bill to the Secretary of War for information and report and received in reply the following letter and accompanying report:

WAR DEPARTMENT,
Washington, May 1, 1890.

SIR: I return herewith S. 3642, "to remove the charge of desertion from the record of Benjamin Hartley," referred to this Department on the 26th ultimo, and invite your attention to the inclosed report of the Adjutant-General's Office, dated the 30th ultimo, on the bill.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. J. R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 30, 1890.

The SECRETARY OF WAR:

SIR: I have the honor to return herewith bill (S. 3642) for the removal of the charge of desertion from the record of Benjamin Hartley, late Company C, Third Ohio Volunteers, Eighteenth United States Infantry, and in compliance with the request of the Committee on Military Affairs, United States Senate, to report that Benjamin Hartley, after discharge from the Third Ohio Volunteers, enlisted December 15, 1862, in Company D, Second Battalion Eighteenth Infantry; was discharged from this organization February 21, 1864, by reason of reënlistment; reënlisted in Company D, Second Battalion, Eighteenth Infantry, February 21, 1864, for 3 years; deserted July 6, 1865, and never returned to the service.

His case is not covered by the provisions of the act of March 2, 1889, the only law on the subject of removal of charge of desertion now in force, and in justice to other soldiers of the Regular Army, whose status is the same as that of this man, I can not recommend favorable action in this individual case.

Very respectfully,

C. MCKEEVER,
Acting Adjutant-General.

Not being satisfied with the information contained in said letter and report, your committee again referred the letter to the War Department, and received in reply the following communication:

WAR DEPARTMENT,
Washington City, May 10, 1890.

Hon. F. M. COCKRELL, *United States Senate:*

SIR: Referring to your request of the 7th instant for certain information additional to that contained in report from this Department of the 1st instant upon Senate bill No. 3642, Fifty-first Congress, first session, entitled "A bill to remove the charge of desertion from the record of Benjamin Hartley," late a member of Company C, Thirty-third Ohio Volunteer Infantry, and Eighteenth United States Infantry, I am directed by the Secretary of War to inform you that the official records show that Benjamin Hartley was enrolled April 20, 1861, to serve 3 months, in Company C, Twenty-second Ohio Volunteers, and served therein until August 19, 1861, when he was mustered out with company; that he enlisted August 27, 1861, for 3 years, in Company C, Thirty-third Ohio Volunteers, and served faithfully until October —, 1862, when he was captured by the enemy, paroled, and sent to Columbus, Ohio (exact date of capture and parole is not shown by records); that on December 15, 1862, he enlisted at Columbus, Ohio, in the Regular Army, to serve 3 years, under General Orders, No. 154, War Department, Adjutant-General's Office, dated October 9, 1862 (copy herewith), and was assigned to Company D, Second Battalion, Eighteenth United States Infantry; that he was discharged February 21, 1864, at Chattanooga, Tenn., by reason of reënlistment; that he reënlisted in the same company on the same date, and served therein until July 6, 1865, when he is reported as having deserted at Lookout Mountain, Tenn. He never returned.

No testimony bearing upon the case of this soldier is on file in this Department, the only application for removal of the charge of desertion by him having been returned to his attorneys by indorsements to the effect that no action will be taken upon his case until he shall have surrendered to the military authorities, and that his case is not embraced within the provisions of the act of Congress approved March 2, 1889.

The petition of Mr. Hartley is herewith returned.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The General Order No. 154, War Department, Adjutant-General's Office, referred to in the foregoing letter, is as follows:

General Orders, No. 154. WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 9, 1862.

The commanding officer of each regiment, battalion, and battery of the Regular Army in the field, will appoint one or more recruiting officers, who are hereby authorized to enlist, with their own consent, the requisite number of efficient volunteers to fill the ranks of their command to the legal standard.

The enlistments will be made in the usual mode, and for 3 years, or for the remaining portion of the period of 3 years which the volunteer has yet to serve, if he so prefer.

The recruiting officers will furnish to the commanding officers of companies to which volunteers whom they may enlist belong, lists of such volunteers, exhibiting the dates of enlistment of each in the Regular Service. All the men upon such lists will be reported as honorably discharged the day previous to the date of their enlistment, on the first subsequent muster roll of their company.

As an inducement to volunteers to enlist in the Regular Army, it will be remembered that promotion to commissions therein is open by law to its meritorious and distinguished noncommissioned officers, and that many have already been promoted.

By order of the Secretary of War.

L. THOMAS,
Adjutant-General.

Under this general order, this claimant on December 15, 1862, enlisted in the Regular Army to serve 3 years, and was assigned to Company D, Second Battalion, United States Infantry, and on February 21, 1864, at Chattanooga, Tenn., was discharged by reason of reënlistment, and was reënlisted in the same company on the same day, and served therein until July 6, 1865, when he deserted at Lookout Mountain, Tenn. His reënlistment, February 21, 1864, was for 3 years. This service was not during the war as a volunteer service, and the claimant must have known the kind of command he was in, and that they were continued in the service regardless of the continuance or the end of the war.

There is no evidence whatever to sustain the claim of Mr. Hartley. He undertook to decide for himself, alone, the character of his contract with the Government and the duty he owed, regardless of the claims of the Government and regardless of the plain terms of the contract of enlistment. He deliberately quit the service, returned to his home, and must now take the consequences of his own voluntary act. The War Department refused to remove the charge of desertion, and very properly, and there is no ground upon which your committee can favorably consider this application.

Your committee therefore report the bill back to the Senate adversely, and recommend that the bill be indefinitely postponed and the relief prayed for in the bill be not granted.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2595.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 2896.]

The Committee on Military Affairs, to which was referred the bill (S. 2896) to remove the charge of desertion from the military record of William A. Murphy, have duly considered the same and submit the following report:

This bill directs the Secretary of the Interior (doubtless intended to be the Secretary of War) to remove the charge of desertion from the record of William A. Murphy, a private of Company G, Twenty-fifth Kentucky Volunteers, and transferred to Company K, Seventeenth Kentucky Infantry Volunteers, and to issue to him an honorable discharge.

Your committee referred the bill to the Secretary of War for information and report, and received in reply the following letter and accompanying report:

WAR DEPARTMENT,
Washington City, March 12, 1890.

SIR: In reply to your request of the 8th instant, for information upon Senate bill 2896, Fifty-first Congress, first session, for the relief of William A. Murphy, Company G, Twenty-fifth Kentucky Volunteers, and Company K, Seventeenth Kentucky Volunteers, I have the honor to inclose a report from the officer in charge of the record and pension division of this Department.

It is proper to add that the words "Secretary of the Interior" should be omitted from the third line of the bill and the words "Secretary of War" substituted therefor, as the records of the volunteer forces of the late war are under the immediate control of the Secretary of War.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs,
United States Senate.

Case of William A. Murphy, late private Company G, Twenty-fifth Kentucky Volunteers, and Company K, Seventeenth Kentucky Volunteers.

RECORD AND PENSION DIVISION, *March 12, 1890.*

William Murphy (also borne as William A. Murphy), private, Company G, Twenty-fifth Kentucky Volunteers, was enrolled October 26, 1861, to serve 3 years; was transferred to Company K, Seventeenth Kentucky Volunteers, April 13, 1862, and appears to have been present with his command to April 30, 1862; roll of company, dated June 30, 1862, reports him absent in hospital—supposed to be Louisville, Ky.—since June 3, 1862. He rejoined his command on August 7, 1862, deserted therefrom Octo-

ber 15, 1862, and did not thereafter return to military control, although his regiment was retained in service until January 23, 1865.

The claimant, under date of July 27, 1886, swears that about October, 1862, he was captured by Morgan's men in Kentucky, who took his arms and paroled him; that when captured he was down with rheumatism and when released he remained in Kentucky with friends and acquaintances, and did not return to his command because he was unfit for duty, and was ignorant of the whereabouts of his regiment.

John Barnard, under date of November 11, 1886, swears that the claimant came to the house of affiant's father in Nelson County, Ky., in October, 1862, and remained there continually for 6 or 8 months, when he went to the home of affiant's uncle in the same county, and remained there for nearly a year, up to the latter part of 1864; that affiant saw him every 2 or 3 days, and that during the periods named the claimant was unable to do manual labor or to return to his regiment, on account of being crippled in his knees and feet with rheumatism.

Eliza Benjamin, in an affidavit executed January 24, 1887, states that she has known the applicant for over 30 years; that when he went into the Army he was not troubled with rheumatism; that when he returned from the Army she was living with her father in Kentucky, and often saw the claimant, who frequently came to her father's house; that claimant was then unable to do any work of any kind on account of rheumatism.

There is no record of the soldier's capture.

On April 12, 1887, in a letter to the attorneys in the case, in which the record was quoted, they were informed that the soldier admitted that after his alleged capture, which was not verified by any record, he went home and remained there without making known his whereabouts or the cause of his absence to his command or to any military authority; that under those circumstances no relief could be granted under the law, and that his application was therefore rejected.

The status of the case has not been changed by the introduction of additional testimony, or by subsequent legislation (act of Congress approved March 2, 1889).

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

This soldier deserted his command about October 15, 1862, and did not thereafter return, up to the muster out of his company in January, 1865, and so far as the official record shows made no report of his whereabouts to his company or regimental officers.

According to his own claim, made 22 years after the occurrence, he was captured and paroled, went home, and was in ignorance of the whereabouts of his regiment, and was afflicted with rheumatism and never returned to his command. This is a remarkable statement, that residing in his own State, practically wholly within the Union lines, he could not ascertain the whereabouts of his command. He does not even claim that he made any effort to ascertain the whereabouts of his company, and there is no evidence whatever before your committee of his inability. He rested quietly, patiently, and uncomplainingly under this charge of desertion for 22 years, and if your committee could be allowed to draw conclusions from his own conduct he would have continued to remain under this charge without complaint if there had not been some pecuniary advantage to be gained by its removal.

There is no ground whatever for relief in this case, and your committee therefore report the bill back to the Senate adversely and recommend that it be indefinitely postponed and the relief prayed for be not granted.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2596.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 2969.]

The Committee on Military Affairs, to whom was referred the bill (S. 2969) for the relief of John Wagner, have duly considered the same and submit the following report:

This bill directs the Secretary of War to remove the charge of desertion from the record of John Wagner, late private of Company F, Eighty-fourth Pennsylvania Volunteers, and to issue to him an honorable discharge.

Your committee referred the bill to the Secretary of War for information and report, and received in reply the following letter and accompanying statement:

WAR DEPARTMENT,
Washington City, March 12, 1890.

SIR: In reply to your request of the 8th instant for information upon Senate bill 2969, Fifty-first Congress, first session, to provide for the relief of John Wagner, company F, Eighty-fourth Regiment Pennsylvania Volunteers, I have the honor to inclose a report from the officer in charge of the Record and Pension Division of this Department.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. JOS. R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Case of John Wagner, late private, Company F, Eighty-fourth Pennsylvania Volunteers.

RECORD AND PENSION DIVISION, *March* 12, 1890.

John Wagner, private, Company F, Eighty-fourth Pennsylvania Volunteers, was enrolled on August 29, 1862, to serve 3 years, and appears to have been present with his command to May 3, 1863, on which date he was captured by the enemy at Chancellorsville, Va.; he was confined at Richmond, Va., May 9, 1863; paroled at City Point, Va., May 15, 1863, and reported at Camp Parole, Maryland, May 17, 1863; his name appears on a list of paroled prisoners to be sent to Convalescent Camp, Virginia, dated Camp Parole, Maryland, June 9, 1863. (He is carried on the company muster rolls from August 31, 1863, to February 29, 1864, as a paroled prisoner, absent in Camp Parole, Annapolis, Md.; roll for March and April, 1864, the last on which his name appears, reports him deserted from Camp Parole, Maryland, October 20, 1863.)

The records of Convalescent Camp, Virginia, for June, 1863, do not bear this soldier's name. He deserted the service on June 9, 1863, and did not thereafter return to military control, although his command, which was consolidated with the Fifty-seventh Pennsylvania Volunteers, was retained in service until June 29, 1865.

The claimant, under date of November 2, 1888, swears that having been paroled

and sent to Camp Parole, Annapolis, Md., he was told by the officers at that place to go home, as he was so deaf that he would never be fit for duty.

Application for the removal of the charge of desertion was denied on December 13, 1888, on the grounds that the improbability of his statement indicated that he was a willful deserter; that his disability—deafness—was not sufficient to have prevented him from reporting to some military authority for examination and proper disposition of his case.

The status of the case has not been changed by the introduction of additional testimony or by new legislation.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

This report explains fully the whole situation, and that this soldier deserted from convalescent camp June 9, 1863, and did not thereafter return to or report to his company, and the pretext that his officers told him to go home, that he was so deaf he was not fit for duty, is wholly unsupported and is not in accordance with ordinary military usages.

In addition to this report there was presented to your committee the following affidavit of this claimant, in which he reiterates that the officers in charge of the parole camp told him he was not fit for any service and to go home:

John Wagner enlisted August 20, 1862, Company F, Eighty-fourth Regiment Pennsylvania Volunteer Infantry.

Taken prisoner at battle of Chancellorsville, Va., on 3d day May, 1863.

Paroled at Richmond, Va., on Bell Island, Va., on 18th May, 1863, and sent to City Point, Va., from there sent to Annapolis, Md. (called Camp Paroled Prisoners), contracted deafness totally in right ear and severe in left ear. The officers in charge of the paroled camp told me that I was not fit for any service and told me to go home. I have been deaf from 3d day of May, 1863, to the present time.

JOHN WAGNER.

STATE OF KANSAS, *County of Osage:*

Sworn to and subscribed before me this 31st of December, 1888, and I hereby certify that I made the said Wagner acquainted with the above statement by reading the same to him before he signed the same.

Witness my hand and seal of office the day and year above mentioned.

[SEAL.] W. W. WHITE, *Notary Public.*

Your committee see no ground upon which relief can be granted to this applicant, and therefore report the bill back to the Senate adversely, and recommend that it be indefinitely postponed and the relief prayed for be not granted.

ST CONGRESS, } SENATE. { REPORT
2d Session. } { No. 2597.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

r. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 1911.]

The Committee on Military Affairs, to which was referred the bill . 1911) to remove the charge of desertion against Madison Parish, ve duly considered the same and submit the following report:

There was referred to your committee with this bill one of the stere- yped petitions with a printed heading, signed by "Elizabeth Parish, her attorney," stating that the soldier was sick with measles in the ring of 1862, followed by a severe fever, both of which were treated the regimental surgeon, now dead, and that he became so disabled virtue of the same that he could no longer do a soldier's duty, and as granted a furlough by his captain to go home and recuperate or ait his discharge; that after his arrival at home he continued to suf- without interruption with cough, shortness of breath, indigestion, sease of liver, and dropsy until his death which took place on July 4, 74.

Your committee referred the bill to the Secretary of War for infor- ation and report and received in reply the following letter and ac- mpanying report:

WAR DEPARTMENT,
Washington City, March 11, 1890.

SIR: In reply to your request of the 8th instant for information upon Senate bill 11, Fifty-First Congress, first session, to provide for the relief of Madison Parish, mpany F, Twenty-fourth Kentucky Volunteer Infantry, I have the honor to inclose eport from the officer in charge of the record and pension division of this Depart- nt.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

se of Madison Parish, late private Company F, Twenty-fourth Kentucky Infantry Volunteers.

RECORD AND PENSION DIVISION, *March* 11, 1890.

Madison Parish, private, Company F, Twenty-fourth Kentucky Infantry Volunteers, as enrolled on November 20, 1861, to serve 3 years. He is reported present with his mpany on October 31, 1862. The company muster roll of December 31, 1862, shows m "absent without leave since November, 1862." The muster roll of February 28, 63, and muster-out roll, dated January 31, 1865, report him, "deserted from Glas- w, Ky., November 2, 1862."

The medical records show that this soldier was treated at the regimental hospital om August 9 to 23, 1862, for pain in side and breast and for diarrhea.

In an application for the removal of the charge of desertion, the widow of this soldier, Elizabeth Parish, under date of May 24, 1889, made affidavit that in the latter part of 1862 her husband, Madison Parish, came home completely broken down in health from the effect of measles contracted in the service. He had a bad cough, was troubled with shortness of breath, and complained of pain in the side. He intended to return to his command, but was never able to do so, as he continued to grow worse. His limbs became dropsical, and that disease caused his death on July 4, 1874.

Two neighbors have testified that they saw this soldier when he come home in the fall of 1862, and his condition then and until his death in 1874 was as described by his widow.

William W. Jacobs, in letter of August 26, 1889, states that this soldier, after his return home, received no medical attendance, no doctors being near where the soldier lived and he not being able to pay for medical treatment. A short time before he died (in 1874) a neighbor employed a doctor "to wait on the soldier," but it was too late.

The application was rejected in September, 1889, on the following grounds:

"This soldier's record on the company muster roll of October 31, 1862, shows that on that date he was present, but not sick. The medical records show that he received no medical treatment for any sickness after August 23, 1862. On November 2, 1862, he deserted, went home, and never returned, although his term of service did not expire until November 19, 1864. It is testified that no physician attended him until about 1874, 12 years after his desertion. The widow swears that this soldier came home completely broken down from measles; but there is absolutely no evidence that he suffered from measles while in the service."

Since date of rejection no further testimony has been submitted, and the status of the case has not been changed.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

Your committee again referred the bill to the Secretary of War for additional information and report, and received in reply the following letter:

WAR DEPARTMENT,
Washington City, July 11, 1890.

SIR: Referring to your request of the 9th instant (received on the 10th instant) for certain information additional to that contained in report from this Department upon Senate bill No. 1911, Fifty-first Congress, first session, in case of Madison Parish, a former member of Company F, Twenty-fourth Kentucky Volunteers, I am directed by the Secretary of War to inform you that the report furnished contained everything of record pertaining to this man (with the exception that in the winter of 1861 and 1862 he was in the hospital at Lexington, Ky., for a short time, diagnosis not stated, and was given a furlough therefrom for 10 days on January 12, 1862), and a very full synopsis of all affidavits and statements (including letter of W. W. Jacobs) presented in behalf of the applicant for removal of the charge of desertion.

The original affidavits and letter of Mr. Jacobs are, however, inclosed herewith, with request that they be returned to this Department when no longer required.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Hon. F. M. COCKRELL,
United States Senate:

In the statement accompanying the letter of the Secretary of War is a correct synopsis of the original affidavits which were transmitted to your committee. This is all the evidence before your committee. This bill directs the Secretary of War to remove the charge of desertion against Madison Parish, late of Company F, Twenty-fourth Regiment, Kentucky Volunteers, and to issue him an honorable discharge. The evidence is wholly insufficient to justify any favorable action by your committee.

Your committee therefore report the bill back to the Senate adversely, and recommend that it be indefinitely postponed.

O

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2598.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 3791.]

The Committee on Military Affairs, to which was referred the bill (S. 3791) to remove the charge of desertion from the military record of A. M. Stratton, have duly considered the same and submit the following report:

This bill directs the Secretary of War to remove the charge of desertion from the record of Allen M. Stratton, a private in Company G, Thirty-second Wisconsin Volunteers.

The following letters to Senator Sawyer from Mr. N. L. James, and from the War Department were considered by your committee, to wit:

RICHLAND CENTRE, WIS., *December* 27, 1887.

HON. PHILETUS SAWYER:

DEAR SENATOR: Referring to our correspondence last winter, as well our conversation, concerning the matter of A. M. Stratton, of this county, as regards having his record as a soldier in the late war somewhat modified, I would be very glad to have you effect in some manner the removal from the war records the stigma that remains attached to his record. I will again give you a brief description of his case. He enlisted in July, 1862, in the Thirty-second Wisconsin Volunteer Infantry, Company G, under Capt. W. B. Manning; was stationed near Jackson, Tenn., remaining there until some time the latter part of January, 1863.

Being a young, kind-hearted boy, he enjoyed the confidence of his superior officers, and while absent many times during their stay there without leave the officers were aware of his whereabouts, as he was on very friendly terms with a young lady living no great distance from camp. He had been very successful in returning until his last visit, which occurred January 26, 1863; being captured by the Confederates he was taken to the rebel camp. The squad that captured him belonged to Company F, Fourth Tennessee Cavalry, commanded by J. F. Suney; a few days later he was paroled, and immediately went North and located at Wausau, Wis., and remained there until March, 1865.

During this time he had failed to make any report explaining the reason of his absence and was accordingly pronounced a deserter. He unthoughtedly allowed this to be unattended to. In March 1865 he again enlisted and was consigned to Company K, Fiftieth Regiment, this time under the name of G. A. Merrill and served until June, 1866, at which time he was mustered out under the same name. Senator Spooner was an officer in the same regiment. I am very anxious to see Mr. Stratton placed in an honorable position, as he is a very fine gentlemen, an upright and honorable citizen, and shall be pleased to have you introduce a bill removing this difficulty. I have written Congressmen Thomas to render you all the assistance possible.

Yours,

N. L. JAMES.

WAR DEPARTMENT,
Washington City, May 8, 1890.

Hon. PHILETUS SAWYER,
United States Senate:

SIR: In returning herewith the papers referred by you on the 5th instant in relation to the case of A. M. Stratton, an applicant for removal of charge of desertion standing against him on records of Company G, Thirty-second Wisconsin Infantry, I am directed by the Secretary of War to inform you that the official record shows that Allen M. Stratton, who was enrolled August 21, 1862, for 3 years, in the above mentioned company and regiment, deserted on January 31, 1863, at Jackson, Tenn., and that on April 1, 1865, he reënlisted under the name of George A. Merrill in Company E, Fiftieth Wisconsin Volunteers, with which organization he was mustered out on June 14, 1866, and that upon this showing of the record the application for removal of the charge of desertion must be denied under the act of Congress approved March 2, 1889, the law now in force on the subject, as the absence between desertion and reënlistment exceeded 4 months.

Referring to the account given of this soldier's case in the inclosed letter of Mr. James, your correspondent, the Secretary directs me to say that no record has been found of the alleged capture by the enemy, and that even admitting all the facts to be as represented, the case must still be regarded as not coming under the law, for the reason that it was the plain duty of Mr. Stratton to report, after his parole, either to one of the several parole camps, or at all events to some military authority, and his failure to do so or to make any farther report or explanation of his absence, as admitted herein, appears to clearly establish that he was a willful deserter.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Senator Sawyer indorsed Mr. James and the applicant very strongly, but in view of the admitted facts shown by the record, as well that Mr. Stratton never reported his capture and parole, and remained absent so long without ever reporting to his company, your committee are constrained to report the bill back to the Senate adversely, and to recommend that it be indefinitely postponed.

O

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2599.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 2227.]

The Committee on Military Affairs, to which was referred the bill (S. 2227) to remove the charge of desertion from the military record of Adam James Springer, have duly considered the same and submit the following report:

This bill directs the Secretary of War to remove the charge of desertion from the record of Adam James Springer as of Company D, Ninety-eighth Ohio Volunteers, and grant an honorable discharge. Your committee referred the bill to the Secretary of War for information and report and received the following letter and accompanying statement:

WAR DEPARTMENT,
Washington City, March 11, 1890.

SIR: In reply to your request of the 8th instant for information upon Senate bill 2227, Fifty-first Congress, first session, to provide for the relief of Adam James Springer, Company D, Ninety-eighth Ohio Infantry Volunteers, I have the honor to inclose a report from the officer in charge of the record and pension division of this Department.

Very respectfully,

REDFIELD PROCTOR.
Secretary of War.

Hon. JOS. R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Case of Adam James Springer, late private Company D, Ninety-eighth Ohio Volunteers, alias Adam James, late private Company M, Seventh Pennsylvania Cavalry Volunteers (in violation of twenty-second, now fiftieth, article of war).

RECORD AND PENSION DIVISION, *March* 11, 1890.

Adam James Springer, private Company D, Ninety-eighth Ohio Volunteers, was enrolled on August 9, 1862, to serve 3 years. He was present with his company on December 31, 1862. The muster roll of February 28, 1863, reports him "Absent without leave since February 2, 1863." The roll of April 30, 1863, shows him "Dropped as a deserter, April 1, 1863, by order of Colonel Poorman." The muster-out roll, dated June 1, 1865, reports him "Deserted February 7, 1863, at Smithland, Ky." While thus absent in desertion he enlisted on February 29, 1864, in Company M, Seventh Pennsylvania Cavalry Volunteers, under the name of Adam James, to serve 3 years. He was killed by being accidentally shot while on picket at Columbia, Tenn., on April 27, 1864.

His enlistment in the Seventh Pennsylvania Cavalry Volunteers, without having been previously discharged from the Ninty-eighth Ohio Volunteers, constituted him a deserter by operation of law—twenty-second (now fiftieth) article of war.

The mother of this deceased soldier has applied for removal of the charge of desertion from the record of her late son as of Company D, Ninety-eighth Ohio Volunteers; but no testimony has been submitted to show how he left his command, or his whereabouts from February 2, 1863, to February 29, 1864.

As the absence in desertion, before this man enlisted in the Seventh Pennsylvania Cavalry Volunteers, exceeded 4 months, the provisions of section 3, act of Congress approved March 2, 1889, afford no relief in this case.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

Upon the record in this case your committee can not possibly recommend any relief. He voluntarily left his company, in the Ninety-eighth Ohio Volunteer Infantry, without any authority or permission, and remained out of the service over a year, and then, under a false name, enlisted in another regiment.

Your committee therefore report the bill back to the Senate adversely, and recommend that it be indefinitely postponed and the relief prayed for be not granted.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2600.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 827.]

The Committee on Military Affairs, to which was referred the bill (S. 827) to grant an honorable discharge to Michael Pfoertner, have duly considered the same and submit the following report:

This bill directs the Secretary of War to correct the military record of and grant an honorable discharge to Michael Pfoertner, late a private in Company E, Forty-sixth New York Volunteers.

Accompanying the bill was a stereotyped petition with printed heading signed by claimant by his attorney, without any affidavit or date. In this petition the claimant states that on the 9th day of June, 1863, "he received a furlough from Colonel Gerhardt of his regiment to visit his friends; that while visiting his sister at Cincinnati he was prostrated with nervous fever, and feeling slightly better he went to New York to visit his family; that his malady became much aggravated in New York City, so much so that he was constantly under medical attendance from July, 1863, to August, 1865, as shown by evidence furnished the War Department, and that by reason of the aforesaid sickness he was unable to return to his command during the remainder of his term of service.

Your committee referred the bill to the Secretary of War for information and report, and received in reply the following letter and accompanying report:

WAR DEPARTMENT,
Washington City, July 10, 1890.

SIR: In reply to your request of the 9th instant for information upon Senate bill 827, Fifty-first Congress, first session, to provide for the relief of Michael Pfoertner, Company E, Forty-sixth New York Volunteers, I have the honor to inclose a report from the officer in charge of the Record and Pension Division of this Department.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Case of Michael Pfoertner, late private Company E, Forty-sixth New York Volunteers.

Michael Pfoertner, private Company E, Forty-sixth New York Infantry Volunteers, was enrolled on August 27, 1861, to serve 3 years, and was present with his company until April 30, 1863. The company muster-roll of June 30, 1863, reports him, "absent without leave since June 9, 1863." The roll of August 31, 1863, shows him, "deserted

since June 13, 1863, at Cincinnati, Ohio;" and the same report appears on the muster-out roll of the non-veterans of his company, dated September 15, 1864. The return for January, 1864, reports him, "deserted June 8, 1863, at Nicholasville," and a descriptive list of deserters shows the desertion to have occurred on June 9, 1863, at Cincinnati, Ohio.

Michael Pfoertner, residing in New York City, has been an applicant for removal of the charge of desertion and for an honorable discharge since 1879, and has made the following statement in regard to the circumstances under which he left his command:

While stationed with his company at Covington, Ky., in June, 1863, he obtained permission from his captain to cross the river to Cincinnati to visit his sister; while at his sister's house he was taken ill with nervous fever, was unable to return, and, not knowing where his regiment was at the time when he left Cincinnati for his home in New York, he was unable to report his condition to the military authorities. After his arrival in New York his disease reappeared in great force, and he was dangerously sick for nearly a year.

Henry Pommerinke, John Fleischmann, and Jacob Wiedman, of New York City and Brooklyn, in affidavits made in 1883, testified that they served in the same company with Michael Pfoertner, and that the latter, about June 9, 1863, after much trouble, obtained a short furlough from his company commander to cross the river to visit his sister at Cincinnati; the captain at the same time warning him not to be caught by the "boys." One of these affiants testifies that after his discharge he met Pfoertner totally disabled by gout and chronic rheumatism. (The company records do not indicate that Pfoertner had permission to leave his command in June, 1863.)

Dorothea Swartz, of New York City, in 1883, testified that about June 10, 1863, Michael Pfoertner came to visit his sister at Cincinnati, and on the next day he was attacked by a nervous fever and was delirious about 3 weeks; that his sister peremptorily declined to have him taken in that condition to any United States hospital in that city; that when Pfoertner was partly recovered affiant took him to his home in New York City, where he was again seized by the same fever and was dangerously sick (as affiant has been informed) for about 18 months.

Upon the foregoing record and testimony it was held by the Department, in 1883, that there is nothing in the testimony submitted that disproves desertion; that, on the contrary, there seems to have been a systematic plan to get away from the service, and remain away, in which he was aided and abetted by his family, and the application was therefore denied.

Subsequent to this denial, in July, 1883, the following additional testimony was presented.

Dorothea Swartz adds to her former testimony, that when Pfortner arrived at Cincinnati, his sister, under the impression that he was suffering from a contagious disease, called for no physician in order to avoid the transfer of her brother to a hospital and having her house declared infected; that when Pfortner had partially recovered he desired to be sent to his regiment, but his sister hired this affiant to take him to his family to New York City, giving him to understand that his regiment would soon arrive there; that after reaching New York, Pfortner became so ill that it was decided to administer to him the last sacrament; that he was bedridden for 2 years thereafter, and has been an invalid ever since that time.

Rev. Rudolph Wieczorek, pastor of a German Evangelical Church at Bloomingdale, city of New York, in 1882, testified that about the end of July, 1863, he was called to administer the last sacrament to Michael Pfortner, who was pronounced by the attending surgeon to be dangerously sick; that affiant often visited Pfortner, who remained an invalid for several years thereafter.

On July 14, 1883, the Department determined that the additional testimony does not warrant a reversal of the former adverse decision in this case.

In 1887 the following additional testimony was presented:

Dr. Conrad Smith, under date of September 26, 1887, testified that he has been a practitioner of medicine in New York City for 38 years past; he knew Michael Pfortner before the latter's enlistment, and in August, 1863, he was called to attend Pfortner, who had returned from the war "mortally diseased" of a nervous fever, being also wounded in his right leg, inside, above the ankle; Pfortner's condition was very precarious, and only his strong constitution enabled him to recover from the disease; he was bedridden for over 2 years, and there was "no apparent necessity" for reporting his condition to his command, as there was no probability of his recovery. Affiant has seen Pfortner often since the war, and he is troubled with the results of the disease and of chronic rheumatism, being ever since the war incapacitated from working at his trade as carpenter. (Inquiry established that the professional standing of this affiant is good).

After a thorough review of the case, in connection with all the testimony submitted, the following decision was rendered by the Department on November 5, 1887:

In this case the record is clear that the soldier deserted at Cincinnati, Ohio, June 9

or 13, 1863, and remained absent in a state of desertion until September 15, 1864, when the nonveterans of his regiment were mustered out of service. A strong effort is made to establish by evidence that, while absent by authority from his command, he was taken violently ill, that during a temporary abatement of the disease his sister caused him to be taken from Cincinnati to New York, where he remained in a critical condition throughout the remainder of the war, and hence that the charge of desertion is unjust and should be removed. But it is found of the three former members of the organization to which he belonged, who swear he had permission to leave camp, two were not present with the company at the time, and the testimony of the third, that of a private, who is not likely to have had a definite personal knowledge of the fact, and who relies solely upon his memory, can not be suffered to contradict the very clear and positive official record in the case. Other circumstances, such as the long journey just referred to, the concealment of his whereabouts from the military authorities for more than a year, the assertion of Dr. Schmidt that he was treated for a *wound* as well as for a fever and rheumatism (there is nothing to indicate applicant was ever wounded in the line of duty), all serve to show that the case is not a meritorious one, and that the record is just and should stand unchanged. The application is therefore denied.

In July, 1889, the application was renewed, Michael Pfortner adhering, under oath, to his former statement that he left his company at Covington, Ky., on June 9, 1863, by proper permission (having received a furlough).

An affidavit, dated on July 8, 1889, was also submitted, in which Anton Eidenberg, M. D., of New York City, testified that he had known Pfortner since 1860, and attended the latter professionally from July, 1863, until August, 1865, "on account of typhoid fever, malarial fever, and rheumatic pains." (Affiant swears that he has been a physician during the past 40 years, and his professional standing is certified to be good.)

The authorized attorney was thereupon informed, on August 6, 1889, that Dr. Eidenberg's having professionally attended Pfortner from July, 1863, until August, 1865, does not tend to disprove that this soldier deserted in June, 1863, as appears explicitly and repeatedly on the official records; and that, after a careful review of this case, as it has been presented from time to time since 1879, nothing is found to warrant favorable action on the application, and the former repeated adverse decisions must be reaffirmed.

No further testimony has been submitted, and the status of the case has not changed since it was reviewed in July, 1889.

The name of this soldier is not borne as Pfoertner.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

RECORD AND PENSION DIVISION, *July* 10, 1890.

The SECRETARY OF WAR.

The claimant was enrolled August 27, 1861, to serve 3 years, and was present with his company until April 30, 1863. The company muster roll for June 30, 1863, reports him "absent without leave since June 9, 1863;" roll of August 31, 1863, shows him "deserted since June 13, 1863, at Cincinnati, Ohio." The muster-out roll also has him "deserted," and the descriptive list of the deserters shows his desertion to have occurred on June 9, 1863, at Cincinnati, Ohio.

The claimant has been an applicant for the removal of the charge of desertion since 1879.

In his petition he says that he received a furlough from the colonel of his regiment, but does not state the time. In his application to the War Department he states that in June, 1863, while his command was at Covington, Ky., he obtained permission from his captain to cross the river to Cincinnati to visit his sister, and whilst there he was taken ill with nervous fever; was unable to return, and not knowing where his regiment was at the time he left Cincinnati for his home in New York, he was unable to report his condition to the military authorities. After his arrival at New York his disease reappeared with great force and he was dangerously sick for nearly a year.

Three of his comrades testified that about June 9, 1863, after much trouble, the claimant obtained a short furlough from his company com-

mander to cross the river to visit his sister at Cincinnati, the captain at the same time warning him not to be caught by the "boys."

There is no record evidence of this fact, and no affidavit or evidence from his captain or any of the officers of the company showing that he had any permission to visit Cincinnati, or if he did have, the length of time he was permitted to be absent, and certainly his going to Cincinnati was without proper military authority.

Of the three comrades who testify, two of them were not present with the company at the time and consequently could have had no personal knowledge of their statements.

The case was fully presented to the Secretary of War, and after a full and fair consideration of all the evidence in the case the Secretary declined to grant the relief which he had the right to do under the general law, and your committee see no reason for overruling the decision of the Secretary of War in this case.

Your committee therefore report the bill back to the Senate adversely and recommend that it be indefinitely postponed and the relief prayed for be not granted.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2601.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 3965.]

The Committee on Military Affairs, to whom was referred the bill (S. 3965) to remove the charge of desertion from the record of Joseph Scharbonaugh, have duly considered the same and submit the following report:

This bill directs the Secretary of War to remove the charge of desertion from the records of said soldier, Joseph Scharbonaugh, as a private in Company B, First Michigan Cavalry. With the bill there was referred to your committee a petition signed by said claimant and verified by his affidavit on the 23d day of May, 1890, and to which was attached a petition numerously signed by citizens of Fond du Lac, Wis., recommending Mr. Scharbonaugh to be a man of truth and veracity and believing him entitled to favorable consideration.

In this petition the claimant states that he enlisted in December, 1863, and obtained a furlough for 30 days and went to Jericho, Vt., where he was taken sick and unable to join his regiment at the expiration of his furlough, and that he had a letter written to his captain informing him of his sickness and asking for an extension of his furlough, but got no reply, and that afterwards Dr. Fitzgerald, under whose treatment he was, reported the case to the regiment, stating the physicial condition of claimant such as to make him unfit for military duty; that his physicial condition did not improve for nearly 2 years, being under medical treatment during the whole of that time; and when he learned his regiment was to be discharged he caused a letter to be written to the colonel of his regiment asking for his discharge, but never received any reply; that a few years ago he applied for membership in the Grand Army of the Republic, but was rejected on the ground, he was informed, that he was reported a deserter, and that he applied to the War Department for the removal of the charge of desertion and his application was denied.

Your committee referred the bill and petition to the Secretary of War for information and report, and received in reply the following letter and accompanying report:

WAR DEPARTMENT,
Washington City, July 26, 1890.

SIR: In reply to your request of the 25th inst., for information upon Senate bill 3965, Fifty-first Congress, first session, to provide for the relief of Joseph Scharbo-

naugh, company B, 1st Michigan Cavalry, I have the honor to inclose a report from the officer in charge of the Record and Pension Division of this Department.

Very respectfully,

L. A. GRANT,
Acting Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Case of Joseph Scharbonaugh, late private in Company B, First Michigan Cavalry.

RECORD AND PENSION DIVISION, *July* 26, 1890.

The records show this soldier to have been enrolled August 25, 1861, at Detroit, Mich., as a member of company B, First Michigan Cavalry, to serve 3 years, and appears present for duty to June 30, 1862. Company muster-roll for July and August 1862, reports him absent, "taken prisoner at the battle of Bull Run, Va., August 30, 1862." Muster-roll for September and October, 1862, shows him absent, paroled September 2, 1862. Subsequent rolls to February 28, 1863, report him present. Roll for March and April, 1863, absent in parole camp at Annapolis, Md., after which his record appears clear to December 21, 1863, when he reënlisted as a veteran volunteer and was in consequence granted a veteran furlough. Not returning upon its expiration, he was reported as having deserted February —, 1864.

Thereafter he failed to rejoin his command during the continuance of the war, nor did he report his whereabouts or the cause of his absence to the proper military authorities of the United States.

The following is a synopsis of the testimony heretofore submitted to the Department in connection with application for removal of the charge of desertion, to wit:

Under date of November 8, 1884, the soldier testified that he was wounded three times, "once by saber cut, once by gunshot in right thigh, and once by gunshot of left hand;" that he was twice taken prisoner, first at Manassas, and again at Bull Run, Virginia, where he was wounded; that he reënlisted, was granted a 30-days' furlough, and while on furlough he was taken sick, being unable to rejoin his command afterwards; that he informed his company officers as to his condition, and also furnished medical testimony.

In a petition to Congress, dated May 20, 1886, he declared that he was twice wounded, once at Bull Run and again at Gettysburgh; that he was taken sick in January, 1864, and continued sick until the close of the war.

On December 10, 1886, he testified that he went with his regiment to Detroit, Mich., on veteran furlough; thence to his mother's, at Jericho, Vt., where he was taken sick 2 weeks after his arrival, and was confined to his room all during the winter of 1864; that about 2 weeks after being taken sick one Joseph Gannon wrote to the soldier's captain (William Heazlit) of his (soldier's) sickness and his inability to rejoin his command; that he received no answer, and then caused another letter to be written to said officer, to which he received no reply; that his disability became permanent, from which he has never recovered, and that the physician, Dr. Fitzgerald, who treated him in his illness, is dead.

Wm. M. Heazlit, the officer to whom the soldier referred, wrote on December 4, 1886, that he had no recollection of ever having received any letters from the soldier, "and unless I am greatly mistaken he was absent without leave from his command, and so recorded on the rolls of his company."

Gertrude Scharbonaugh, under date of October 30, 1886, testified that she was the soldier's wife; that she first met her husband in January, 1864, at his mother's house in Jericho, Vt., and that he was taken sick about 2 weeks after he came there, being confined to his room all during the winter, and unable to work up to April, 1865, by reason of sickness and permanent disability caused, as she believed, by army service.

L. L. Bowers, M. D., certified December 9, 1886, that the soldier had been under his treatment for a chronic disease of the stomach and liver "for the past 15 months, and is still incapacitated for work."

On January 7, 1887, the authorized attorney in the case was informed that the testimony submitted could not be accepted to establish that the soldier was prevented from completing his term of enlistment by reason of any disability contracted in the line of duty, and the application for relief was therefore denied.

It is proper to add that the claim of wound at any time during the soldier's service is not established by the records of this Department.

On February 6, 1888, the soldier and his wife repeated the substance of their former statements, but the Department adhered to its former adverse decision.

In April, 1890, the soldier appealed to the President and repeated his former testimony, forwarding at the same time a petition from a number of citizens of Fond du Lac, Wis., recommending favorable action, and that they know the soldier to be a truthful man.

It was held, however, that as the soldier went to Vermont, though belonging to a Michigan regiment, and as the fact was not probably known to his officers, he placed himself beyond the chances of arrest. Furthermore, it was presumed that he was physically sound when he reënlisted as a veteran volunteer, and that if he became sick (if at all) while on furlough it was not necessarily a result of service while in the Army.

No additional testimony has been submitted, the status of the soldier remaining unchanged.

Respectfully submitted.

_____, _____,

Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

This record shows that upon his failure to return upon the expiration of his veteran furlough he was marked a deserter in February, 1864, and that he never rejoined his command, which continued in the service long thereafter. No evidence was presented to your committee to sustain the petition. The only evidence, therefore, before your committee is the report of the War Department, and in this report there are several affidavits of the claimant himself, and not a particle of evidence to sustain his statements except the affidavit of his wife. The soldier's own statements to the War Department are very peculiar, and if true can certainly be substantiated by competent evidence. He states in his first application for the removal of the charge of desertion, in 1884, that he was wounded three times, once by a saber cut, once by gunshot in right thigh, and once by gunshot of left hand, and was twice taken a prisoner. The official records, kept by his own comrades, fail to show that he received any wound or that he was twice captured. It seems, according to his affidavit made in 1886, that when he obtained a veteran furlough his regiment was also furloughed and returned to Detroit, Mich., and from there he went to Jericho, Vt., and after his arrival there he claims to have been taken sick and to have been unable thereafter to return.

In his petition to Congress he states that he was under treatment for nearly 2 years. If he was under medical treatment for nearly 2 years, he can certainly get some evidence of that fact. He can certainly get some evidence of the fact that he was wounded three times from some of his comrades who were with him and knew of the fact. It would be very important to him to have the affidavit of Joseph Gannon, who, he claims, notified his captain of his sickness. His captain has no recollection of ever having received such a letter. It might be important also to know the date of the soldier's marriage. His wife, in her affidavit of 1886, does not state when or where they were married.

The affidavit is wholly insufficient to justify any favorable action on the part of the War Department or upon the part of Congress. For years and years after the close of the war claimant seemed perfectly satisfied with his military record and made no inquiry in regard to it. He must have known that he had no discharge, and now, upon his own statements, he asks Congress to grant him relief, which can not be done.

Your committe therefore report the bill back to the Senate adversely, and recommend that it be indefinitely postponed.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2602.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 1470.]

The Committee on Military Affairs, to which was referred the bill (S. 1470) to remove the charge of desertion against Edward Whitehouse, have duly considered the same and submit the following report:

This bill directs the Secretary of War to remove the charge of desertion against Edward Whitehouse, late a private of Company C, One hundred and fifth Regiment Ohio Volunteers, and to issue him an honorable discharge.

Accompanying this bill was one of the stereotyped petitions with printed heading and signed by claimant by his attorney, without date or any affidavit. In this petition the claimant states that—

He was taken prisoner by the enemy and paroled at Cincinnati, Ohio, and from there ordered to Columbus Ohio, from whence permitted to go to his home, as understanding it, till ordered to report again. No such order was ever given or furnished him, so he proceeded east, and about February, 1864, enlisted under the name of Edward Williams in Company B, Eighth Regiment, Connecticut Volunteers, serving faithfully with that organization till June, 1864, when, during the battle of Cold Harbor, he received a severe wound in his right arm, was taken to Campbell Hospital, Washington, D. C., Ward 3, and from said hospital was granted a furlough to his home at Niles, Ohio, where he lay suffering with said wound to such an extent that at the expiration of his furlough he was physically unable to return, and about December, 1864, or January, 1865, when able to be out, he was arrested at Niles, Ohio, on the ground of being a deserter from the One hundred and fifth Ohio Volunteers; was sent to said regiment at Savannah, Ga., where he reported to the colonel of the regiment who ordered him to duty without inflicting any punishment. He performed duty faithfully with said organization until after the grand review at Washington, D. C., May or June, 1865, when he was placed under arrest for desertion, tried by court martial, found guilty after proceedings which were entirely *ex parte*, he not being permitted to offer any testimony in his own behalf.

He applied to the War Department to remove the charge of desertion, and the application was denied.

Your committee referred the bill and petition to the Secretary of War for information and report, and received in reply the following letter and accompanying report:

WAR DEPARTMENT,
Washington City, July 26, 1890.

SIR: In reply to your request of the 25th instant for information upon Senate bill 1470, Fifty-first Congress, first session, to provide for the relief of Edward Whitehouse, Company C, One hundred and fifth Ohio Volunteers, I have the honor to inclose a report from the officer in charge of the record and pension division of this Department.

Very respectfully,

L. A. GRANT,
Acting Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Case of Edward Whitehouse, private, Company C, One hundred and fifth Ohio Volunteers alias Edward Williams, private, Company B, Eighth Connecticut Volunteers.

RECORD AND PENSION DIVISION,
July 26, 1890.

Edward Whitehouse, private, Company C, One hundred and fifth Ohio Infantry Volunteers, was enrolled on August 6, 1862, at Niles, Ohio, to serve 3 years. He was present with the company on August 31, 1862. On the muster rolls of the company covering the period from September 1, 1862, to February 28, 1863, he is reported to have been captured by the enemy while straggling on the retreat from Lexington, Ky., September 2, 1862. The roll of April 30, 1863, reports him "Deserted; straggled and was captured by the rebels at Lexington, Ky., September 2, 1862; left the United States and went to Canada in September or October, 1862." His name does not appear on subsequent muster rolls of this company to December 31, 1864.

His name is not borne on records of prisoners of war.

While thus in a state of desertion from Company C, One Hundred and fifth Ohio Infantry Volunteers, and in violation of the twenty-second (now fiftieth) article of war, he enlisted in Company B, Eighth Connecticut Infantry Volunteers, under the name of Edward Williams, at Norwich, Conn., February 13, 1864, to serve 3 years. While serving with this command, he was wounded at Cold Harbor, Va., June 1, 1864 (gunshot wound, fracture of right shoulder), and was sent to hospital. At Campbell general hospital, Washington, D. C., he received a furlough on June 14, 1864 (period not stated). He did not return from the furlough, and was reported on the records of Campbell general hospital as a deserter on December 5, 1864. The company records give the date of his desertion from the hospital as December 1, 1864.

On January 2, 1865, he was arrested at Niles, Ohio, as a deserter from Company C, One hundred and fifth Ohio Volunteers. The records show that he was sent to the provost marshal, Columbus, Ohio, January 3, 1865, and forwarded to his regiment (via New York City) same day. Expenses of arrest and transportation, $15.94.

The following remarks appear on the provost marshal's records, opposite this soldier's name, made at time of his arrest: "Claims also to be a private, Company B, Eighth Connecticut Volunteers; that he was furloughed from Campbell hospital, Washington, D. C., and his furlough has expired. No furlough exhibited."

The muster roll of Company C, One hundred and fifth Ohio Volunteers, for January and February, 1865, shows him "present; taken up from desertion January 25, 1865." (This is evidently the date on which he rejoined the company.) The roll of April 30, 1865, reports him, "present; charged with desertion; stopped for arrest and transportation, $19.54."

He was tried (on May 31, 1865) before a general court-martial on the charge of desertion, specifying that he straggled from his command while on the march from Lexington to Louisville, Ky., on or about the 1st day of September, 1862, and remained absent from his company and regiment until the 22d day of January, 1865, at which time he was returned to the company as a deserter. He was found guilty as charged, and was thereupon sentenced "to forfeit all pay and allowances due him from the United States and make good the time lost by his absence from the 1st day of September, 1862, until the 3d day of June, 1865, and be confined at hard labor for 6 months at such military prison as the commanding general may direct."

Brevet Major-General Baird, per General Orders, No. 7, dated Headquarters, Third Division, Fourteenth Army Corps, near Washington, D. C., June 1, 1865, approved and confirmed this sentence, and designated the military prison at Fort Delaware as the place of confinement.

The orders of the reviewing officer (General Baird) were confirmed per paragraph 49, Special Orders, 335, War Department, Adjutant-General's Office, dated June 27, 1865.

The records of the military prison at Fort Delaware show this man received at the prison on July 1, 1865, to serve his sentence, and dishonorably discharged there on September 28, 1865, by reason of general court-martial orders 418, dated War Department, Adjutant-General's Office, August 14, 1865. Said orders sets forth that this soldier was tried before a general court-martial convened at Headquarters, Second Brigade, Third Division, Fourteenth Army Corps, May 31, 1865 (reciting charge, specification, and sentence as above given), and continues:

"5. The proceedings, findings, and sentence (in this case) was approved by the proper commander, and the record forwarded for the action of the President of the United States.

"The prisoner(s) will be dishonorably discharged the service of the United States, without pay or allowances.

"By order of the Secretary of War.

"E. D. TOWNSEND.
"*Assistant Adjutant-General.*"

(The sentence of the court did not impose a dishonorable discharge.)

Senate bill 1470, Fifty-first Congress, first session, was introduced on December 18, 1889, for the purpose of removing the charge of desertion from the record of Edward Whitehouse, late of company C, One hundred and fifth Ohio Volunteers, and issuing to him an honorable discharge.

The trial, conviction, and sentence of this man, by a general court-martial, on the charge of desertion, as above recited, and the approval by the proper reviewing authority of the proceedings, etc., of said court, is a legal bar to any further action by the War Department, so far as relates to the record of his absence in desertion from Company C, One hundred and fifth Ohio Volunteers, from on or about September 1, 1862, to January 2, 1865.

In an affidavit dated June 30, 1886, this man stated: About September 1, 1862, while with his command on the retreat from Lexington to Louisville he was taken prisoner by the rebels, and along with others was paroled and reported at Cincinnati, Ohio, thence to Columbus, Ohio, and was sent home. (These allegations are not corroborated by the prisoners of war records.) He did not understand the nature of a parole; *thought he could do as he liked, only not to fight against the rebels* any more. He went East, and in February, 1864, enlisted as Edward Williams in the Eighth Connecticut Infantry Volunteers.

While with this regiment he was wounded, sent to hospital, received a furlough, and went to his home at Niles, Ohio. His wound was very severe and it took some months to recover; and when well he was claimed by an officer of the One hundred and fifth Ohio Volunteers and sent to that regiment to Savannah, Ga., reporting to Colonel Perkins in January, 1865; was ordered to duty and did duty with his company until after the grand review at Washington, D. C., in May, 1865, when he was placed in arrest, tried, etc.

In a letter dated April 20, 1889, he states that he was taken prisoner in September, 1862, by the forces under Gen. Kirby Smith. After his parole and while at Columbus, Ohio, Governor Tod told him and others to go home. He did not know that he was exchanged, so after a while he started East to enlist again.

(If he was captured by Gen. Kirby Smith's forces in Kentucky about September 1, 1862, and paroled, as alleged by him and which appears probable from the remarks on the company muster rolls, then he was declared duly exchanged per General Orders 191, War Department, Adjutant-General's Office, dated November 19, 1862; and by the terms of that order, widely published at that time, he was directed to immediately repair to Camp Wallace, near Columbus, Ohio.

The man denies that he went to Canada; he asserts that he remained at or near his home, Niles, Ohio, until he went East for the purpose of enlisting again.

No testimony other than the statements of this man, is on file at the War Department.

Reports in this case were furnished to the Secretary of War by the Adjutant-General, U. S. Army, on February 20, 1888, in connection with H. R. bill 1003, Fiftieth Congress, first session, and on May 17, 1888, in connection with Senate bill 2903, Fiftieth Congress, first session.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR

This record shows that the soldier was enrolled August 6, 1862, at Niles, Ohio, to serve 3 years, and that on the rolls of the company he is reported to have been captured by the enemy while straggling on the retreat from Lexington, Ky., September 2, 1862, less than a month after his enrollment. The roll of his company for April reports him "deserted; straggled and was captured by the rebels at Lexington, Ky., September 2, 1862; left the United States and went to Canada in September or October, 1862."

This is the last appearance of his name on the rolls of Company C, One hundred and fifth Ohio Volunteer Infantry. It is this record that he desires to be expunged and an honorable discharge given him from said company.

The rolls of another regiment, however, show additional information. Under the false and fictitious name of Edward Williams he, on February 13, 1864, over 1 year and 5 months from the date of his first desertion, or straggling and capture, in 1862, enlisted in Company B, Eighth Connecticut Volunteers, at Norwich, Conn., to serve 3 years,

and in June following was wounded in the battle of Cold Harbor, sent to hospital in Washington, D. C., granted a furlough on June 14, 1864, and not having returned he was, on the hospital records, marked as a deserter December 5, 1864, and his company records give the date of his desertion from the hospital as December 1, 1864. He seems to ignore in his bill and petition this charge of desertion.

In January, 1865, he was arrested as a deserter from Company C, One hundred and fifth Ohio Volunteers, and forwarded to his regiment, and after remaining with his regiment for some time was arraigned before general court-martial charged with desertion, was tried, found guilty, and was duly sentenced, and the sentence was partly executed, and is now a matter of record which Congress can not obliterate.

There is no explanation of why he enlisted under a false name; no explanation of how much bounty he received; no explanation of why he did not return to his original regiment from his own State, instead of going off into another State and going into a strange regiment. In fact, there is nothing in the record to sustain the statements of this claimant, and nothing to s how that any favorable consideration ought to have been given by the War Department, or can be given by Congress.

Your committee therefore report the bill back to the Senate adversely and recommend that it be indefinitely postponed.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2603.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 1012.]

The Committee on Military Affairs, to which was referred the bill (S. 1012) to remove the charge of desertion from the record of William Sheldon, have duly considered the same and submit the following report:

This bill directs the Secretary of War to so amend the records of the War Department as to remove the charge of desertion from the record of William Sheldon, late a private of Company A, Thirtieth Iowa Volunteers, and to grant him an honorable discharge.

Accompanying the bill was a petition, dated June 30, 1888, signed by the claimant, without any affidavit or accompanying evidence, and in this he states that after being in the battle of Ark Post January 11, 1863, he was captured by the enemy at Milliken's Bend, La., before Vicksburg, Miss., and while in the hands of the enemy he was reported a deserter, January 23, 1863; was paroled by the enemy but never exchanged; his captain refused to send him descriptive roll, and being a deserter could not be paid; but that on October 28, 1863, he reënlisted under the name of William E. Hawkins, in Company A, Second Illinois Artillery Volunteers, and served faithfully until the close of the war, July 27, 1865.

Your committee referred the bill to the Secretary of War for information and report, and received in reply the following letter and accompanying report:

WAR DEPARTMENT,
Washington City, July 11, 1890.

SIR: In reply to your request of the 9th instant for information upon Senate bill 1012, Forty-first Congress, first session, to provide for the relief of William Sheldon, Company A, Thirtieth Iowa Volunteers, I have the honor to inclose a report from the officer in charge of the record and pension division of this Department.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Case of William Sheldon, late private, Company A, Thirtieth Iowa Infantry Volunteers, alias William E. Hawkins, late private, Company A, Second Illinois Light Artillery Volunteers.

RECORD AND PENSION DIVISION, *July* 11, 1890.

William Sheldon, private, Company A, Thirtieth Iowa Infantry Volunteers, was enrolled in Lee County, Iowa, on August 11, 1862, to serve 3 years, and is re-

ported present on the company rolls to December 31, 1862. The muster-roll for January and February, 1863, and the muster-out roll of the company dated June 5, 1865 (his name is dropped from all intervening rolls), report him deserted at Milliken's Bend, Louisiana, on January 23, 1863. The company descriptive book shows him deserted on January 23, 1863, at Young's Point, Louisiana.

The company morning report for January 23, 1863, shows that the "company landed below Young's Point, and disembarked; marched all night in mud and rain; William Sheldon missing."

Prisoners-of-war records show him captured at Vicksburg, Miss., January 24, 1863; paroled at Tuscumbia, January 29, 1863; reported at Benton Barracks, Mo., June 2, 1863, and sent to his regiment—date not shown.

There is no subsequent record of him until October 28, 1863, on which date, while a deserter from Company A, Thirtieth Iowa Volunteers, he enlisted, under the name of William E. Hawkins, in Company A, Second Illinois Light Artillery, at Peoria, Ill., for 3 years, in violation of the twenty-second (now fiftieth) article of war, and appears to have served faithfully therein until mustered out with that organization on July 27, 1865.

The records of the bounty and claims division, this Department, show that he, as William E. Hawkins, Second Illinois Light Artillery, was paid $60 bounty, and $13 advance pay, on December 14, 1863, by Capt. C. C. Pomeroy, the mustering and disbursing officer at Chicago, Ill.

The muster-out roll of Company A, Second Illinois Light Artillery, dated July 27, 1865, shows "bounty paid him $180, and bounty due, $122."

The claimant, in an affidavit executed on June 8, 1883, declares that on January 23, 1863, when the transport on which his command was quartered landed at Young's Point, Louisiana, opposite Vicksburg, he went ashore to see the place and get something to eat; that he had not been absent from the boat more than an hour or two when he was captured by the Eleventh Texas, rebel cavalry; taken to Delhi, La., thence to Monroe, La., and there confined until January 29, 1863, when he was paroled and sent to Little Rock, Ark.; that he was kept under guard for 3 weeks at Little Rock, then sent to Pocahontas, thence made his way to Keokuk, Iowa, where Lieutenant Ball took his parole, placed him in the guard house, refused to allow him to return to his command, and sent him, in irons, to St. Louis, Mo., at which place the officer in command (name forgotten) sent him to Schofield Barracks; thence he went directly to Benton Barracks, Mo., and there remained until about the last day of June, 1863—was considered a paroled prisoner—when he went to Peoria, Ill., and enlisted in September, 1863, in Company A, Second Illinois Light Artillery, under the name of William E. Hawkins; that he assumed this alias to prevent being recognized by the rebels if he should again become a prisoner, he never having been exchanged.

On December 10, 1883, the claimant's attorney was informed that by his enlistment in the Second Illinois Light Artillery without having first received a discharge from the Thirtieth Iowa Volunteers this soldier became a deserter by operation of law, and the Department has, therefore, no power to remove the charge of desertion standing against him.

On August 30, 1884, the claimant was informed that his case was not embraced within the provisions of the act of Congress approved July 5, 1884.

The following additional testimony was then submitted:

The claimant, in another affidavit, dated June 4, 1886, after repeating his former statement concerning his capture and parole, declares that while at Benton Barracks, Mo., waiting to be exchanged, his family was in great need of money and clothing, and he, having received no pay, applied to the United States paymaster for partial payment, but was refused, because of the absence of his descriptive list; that he (claimant) then wrote to his company commander for the papers necessary to enable him to draw his pay, and in answer thereto was informed that his descriptive list would not be forwarded, and that he should return to his command and receive his pay with the other members of the company at the proper time; that he was afraid to obey this order to rejoin his regiment, as he was a paroled prisoner, and had been admonished that if caught in arms against the rebels before being exchanged he would be shot; that he went to Illinois and enlisted under an assumed name in another organization, as heretofore stated.

Thomas J. Maxwell, M. D., late assistant surgeon Third Iowa Cavalry, and late surgeon One hundred and thirty-eighth United States Colored Troops, under date of June 28, 1886, swears that he is a resident of Keokuk, Iowa, and has known this claimant for about 3 years; that said claimant is now under treatment for periostial inflammation of the fibula of right leg, complicated with synovitis of ankle joint, brought on without adequate cause, at least by slight fatigue, complicated with deranged state of general system;" that the claimant's family is in a needy condition, the care of which devolves upon the eldest girl, the wife and mother being an invalid.

On August 28, 1886, claimant's attorney was informed that this man is shown by the official records to have deserted from company A, Thirtieth Iowa Volunteers and,

without having received a discharge therefrom, to have enlisted on October 28, 1863, under the name of William E. Hawkins, in Company A, Second Illinois Light Artillery, in violation of the twenty-second (now fiftieth) article of war; that he thereby became a deserter by operation of law, and the law views him as in a continuous state of desertion during the whole period of his second enlistment; that the case is not embraced within the provisions of the act of Congress approved May 17, 1886, as the second enlistment appears to have been made for the purpose of securing bounty to which he would not have been entitled had he remained under his original enlistment.

Thomas Berry, late captain, Company A, Thirtieth Iowa Volunteers, residing at No. 813 Morgan street, Keokuk, Iowa, in a letter dated September 12, 1886, states that he has been informed that the claimant, William Sheldon, is an applicant for a pension and is endeavoring to have the charge of desertion removed from his record in Company A, Thirtieth Iowa Volunteers; that he (Berry) was a corporal at the time, and, subsequently, captain of the same company; that the charge of desertion was correctly made; that at the time of desertion, when he alleges that he was captured, the command was stationed at Young's Point, Louisiana, and there was no enemy on that side of the river known to "us;" that the charge of desertion can not be removed except upon false statements; that claimant never communicated with the company afterwards.

Another affidavit by the claimant, dated June 13, 1890, was submitted, in which claimant declares that he was never exchanged, simply paroled, and for that reason never returned to duty; that through the illwill of his officers, he was marked a deserter when he had not intentionally deserted; that he wrote to his officers for his descriptive roll and they refused to send it to him.

On June 16, 1890, claimant's attorney was informed that the case of this man was fully considered and his application denied, under the act of May 17, 1886, and as the provisions of the act of Congress approved March 2, 1889, do not change the status of the case in any respect, the adverse decision of this Department thereon must be adhered to.

The status of the case has not been changed by the introduction of additional testimony.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

THE SECRETARY OF WAR.

This record gives all the facts before your committee for their consideration. The claimant was mustered into the service August 11, 1862, to serve 3 years, and on the muster roll for January and February, 1863, and the muster-out roll of the company, dated June 5, 1865, he is reported deserted at Milliken's Bend, La., January 25, 1863, and the company descriptive book shows him deserted on January 23, 1863, at Young's Point, Louisiana, and the company morning report for January 23, 1863, shows that the "company landed below Young's Point and disembarked, marched all night in mud and rain, William Sheldon missing."

The prisoners-of-war records show him captured at Vicksburg, Miss., January 24, 1863; paroled at Tuscumbia January 29, 1863; reported at Benton Barracks, Mo., June 2, 1863, and sent to his regiment, date not shown.

On October 28, 1863, he enlisted under the name of William E. Hawkins, in Company A, Second Illinois Light Artillery, for 3 years, and received the increased bounty therefor.

There is no evidence whatever that this soldier ever reported to his officers or the proper military authority the reason of his absence, or that he made any effort to rejoin his company. On the contrary, Thomas Berry, late captain of Company A, Thirtieth Iowa Volunteers, in a letter to the Department dated September 12, 1886, states that he (Berry) was a corporal at the time and subsequently captain of the same company; that the charge of desertion was correctly made, and at the time of desertion, when he alleges that he was captured, the command was stationed at Young's Point, Louisiana, and there was no enemy on

that side of the river known to them, and that the claimant never communicated with his company officers.

Upon the facts presented in this record the claimant is certainly not entitled to the relief prayed for.

Your committee therefore report the bill back to the Senate adversely, and recommend that it be indefinitely postponed and the relief prayed for be not granted.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2604.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 2609 and S. 1235.]

The Committee on Military Affairs to whom were referred the bills (S. 1235 and S. 2609) to amend the record of the Eleventh Regiment Rhode Island Volunteers in regard to the services of Capt. Amos C. Weeden, having had the same under consideration, beg leave to submit the following report:

The committee report these bills adversely and recommend their indefinite postponement for the reasons given in the appended report made in this case at the last Congress.

[Senate Report No. 944, Fiftieth Congress, first session.]

The Committee on Military Affairs to whom was referred the bill (S. 955) to amend the record of the Eleventh Regiment Rhode Island Volunteers in regard to the service of Capt. Amos C. Weeden, having had the same under consideration, beg leave to submit the following report:

This is a bill to authorize the recognition and discharge of Amos C. Weeden as a captain of the Eleventh Rhode Island Volunteers, from November 6, 1862, to December 27, 1862.

It will be seen from the papers hereunto annexed that there is nothing on the records of the Department to show that Weeden ever rendered any service, or was connected with the Eleventh Rhode Island Volunteers, and that, moreover, no continuous vacancy existed for a captain in the regiment from October 1, 1862, date of its organization, to March 3, 1863.

Weeden claims that there was a vacancy in the grade of captain in that regiment caused by the promotion of Nathan F. Moss. The Departmental records show that Nathan F. Moss, captain Company H, Eleventh Rhode Island Volunteers, was promoted and mustered into service as major November 5, 1862; but his vacancy was filled by the promotion of First Lieutenant Joel Metcalf, of the same company, who was mustered in as captain January 1, 1863.

Your committee have heretofore uniformly reported against all cases of this character (although equally as meritorious as this one), and do not feel warranted in making an exception in the bill under consideration. They therefore report the bill back to the Senate adversely, and recommend its indefinite postponement.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 27, 1888.

SIR: I have the honor to return herewith a letter (not signed) from the Hon. J. D. Cameron, of Committee on Military Affairs, United States Senates, dated the 19th ultimo, inclosing, for any suggestions the Department may desire to make concerning the same, a bill (S. 955, Fiftieth Congress, first session) to authorize the recognition

and discharge of Amos C. Weeden as a captain of the Eleventh Rhode Island Volunteers, and to report as follows:

The records of this office show that Amos C. Weeden was enrolled and mustered into service June 6, 1861, as a private in Capt. William H. Reynold's Light Battery, Second Rhode Island Volunteers (subsequently Company A, First Rhode Island Light Artillery), to serve 3 years; transferred to William B. Weeden's battery (C), First Rhode Island Light Artillery, August 25, 1861, and appointed quartermaster-sergeant of that battery.

While serving in that grade, he was commisioned by the governor of Rhode Island, April 22, 1862, as second lieutenant Sixth Rhode Island Volunteers; but as that regiment failed to complete its organization, and as, consequently, no command existed for him, he could not be mustered in on his commission. He was, however, assigned to duty April 25, 1862, as acting assistant quartermaster for the batteries of General Porter's First Division, Third Army Corps, in division orders of that date, and served as such until July 26, 1862, when he tendered his resignation on account of ill health, but no action appears to have been taken thereon.

There is no record of any service rendered by him between date of tender of resignation and November 16, 1862, on which latter date he was announced as assistant quartermaster on the staff of Brig. Gen. Charles Griffin, commanding First Division, Fifth Army Corps, and on the return of that command, dated November 30, 1862, he is reported as "Captain Sixth Rhode Island Volunteers and acting assistant quartermaster."

On November 6, 1862, the governor of Rhode Island commissioned Mr. Weeden as captain Sixth Rhode Island Volunteers, but he was never mustered as such, for the reason hereinbefore given for his nonmuster as a second lieutenant, same regiment.

He served as acting assistant quartermaster, First Division, Fifth Army Corps, from November 16, 1862, to March 1, 1863, when he again tendered his resignation, accompanied by surgeon's certificate, on account of ill health, and was thereupon honorably discharged March 3, 1863, as captain Sixth Rhode Island Volunteers.

It further appears that he was appointed a captain and assistant quartermaster of United States Volunteers November 26, 1862, by the President; that the appointment was confirmed by the Senate February 19, 1863; that he was commissioned as such March 12, 1863, to rank from date of appointment; that he declined the commission, and that the same was returned to this office August 27, 1863.

From the foregoing it will be seen that Mr. Weeden was an enlisted man from June 6, 1861, to April 22, 1862; that he acted as second lieutenant from April 25, 1862, to July 27, 1862; that he acted as captain and assistant quartermaster from November 16, 1862, to March 3, 1863, and that he was commissioned captain and assistant quartermaster of United States Volunteers March 12, 1863, to rank from November 26, 1862, and declined it.

The Paymaster-General of the Army has reported that Mr. Weeden was paid as second lieutenant Sixth Rhode Island Volunteers, from March 1, 1862, to September 30, 1862, and that there is no record of any payment to him in the grade of captain.

December 3, 1886, Mr. Weeden requested recognition as second lieutenant and captain Sixth Rhode Island Volunteers, and on December 16, 1886, he was informed that, under existing laws, he could not be recognized as an officer of an organization that had no existance; that there was nothing of record to show that even a single company was raised for the Sixth Rhode Island Volunteers, and that no person could be recognized or mustered as a company or regimental commissioned officer unless a command existed for him to which he could be commissioned.

Copies of letters showing the action of the Department on his claim for recognition are herewith.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The SECRETARY OF WAR.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February, 17, 1887.

SIR: I have the honor to return herewith communication of Mr. A. C. Weeden, referred by you to this office with request to be informed whether or not he can be recognized as a captain of the Eleventh Rhode Island Infantry Volunteers from November, 6, 1862.

In reply I have to inform you that Amos C. Weeden was commissioned second lieutenant and captain Sixth Rhode Island Volunteers, to date April 22, 1862, and November 6, 1862, respectively; but he was never mustered into service as of those grades, for the reason that the Sixth Rhode Island Volunteers failed to complete its organization.

He appears, however, to have entered upon duty as acting assistant quartermaster of the batteries of First Division, Third Army Corps, on April 25, 1862, and to have subsequently served as acting assistant quartermaster of Griffin's brigade, First Division, Fifth Army Corps, and First Division, Fifth Army Corps, to March 3, 1863, when his resignation as captain Sixth Rhode Island Volunteers was accepted by Special Orders No. 46, Fifth Army Corps, same date.

There is nothing of record to show that Mr. Weeden ever rendered any service, or was connected with the Eleventh Rhode Island Volunteers. Moreover, no continuous vacancy existed for a captain in the regiment from October 1, 1862, date of its organization, to March 3, 1863.

Reference is made in the inclosed communication to a vacancy in the grade of captain, Eleventh Rhode Island Volunteers, caused by the promotion of Nathan F. Moss.

The records show that Nathan F. Moss, captain Company H, Eleventh Rhode Island Volunteers, was promoted and mustered into service as major November 5, 1862, but his vacancy was filled by the promotion of First Lieut. Joel Metcalf, of the same company, who was mustered in as captain January 1, 1863.

It will be seen, therefore, that no relief can be afforded by this office to Mr. Weeden under the provisions of the act approved June 3, 1884, or the act amendatory thereof approved February 3, 1887.

It is proper to add that all the facts connected with the services of Mr. Weeden were reported to the Commissioner of Pensions for his consideration, but it would appear that his claim for pension, No. 209047, as a commissioned officer has been denied, for the reason that his services as such can not be legally recognized by the Department by a muster into service.

Very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

Hon. G. F. HOAR,
United States Senate, Washington, D. C.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 21, 1887.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant relative to the case or Amos C. Weeden, who was commissioned but failed to secure recognition as captain Sixth Rhode Island Volunteers, inclosing decision of the governor, and order issued thereunder, amending the record so as to recognize said Weeden as having been commissioned as of the Eleventh Rhode Island Volunteers, with request that the records of this office be made to conform therewith.

In reply I regret to inform you that the request can not be favorably entertained, as, aside from the fact that the name of Amos C. Weeden is not borne on any records of the Eleventh Rhode Island Volunteers on file in this office, and there is nothing of record to show that he rendered any service or was connected therewith, action, at this late date, by State authorities, amending or issuing commissions for service rendered in the volunteer forces during the late war, seems to me to have no legal effect.

It is proper to add that, although every disposition has been shown by the Department to recognize the very faithful and valuable services rendered by Mr. Weeden, it is found that such relief as he may be equitably entitled to can only be afforded by Congressional legislation.

Very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The ADJUTANT-GENERAL OF RHODE ISLAND,
Providence.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 8, 1887.

SIR: In compliance with the request contained in your letter of the 13th of May last, I have the honor to transmit herewith a draft of a bill, which, it is believed, will fully cover your claim for pay for services rendered by you as of the grade of captain and assistant quartermaster with the First Division, Fifth Corps, Army of the Potomac.

It is proper to add that, as you have received the pay and allowances of a second lieutenant for the period you appear to have rendered service in that grade, and as you have been pensioned by special legislation for disability contracted while serv-

ing as captain, it will be seen that all relief to which you are equitably entitled on account of said services is fully provided for in the proposed bill.

Very respectfully, you obedient servant,

R. C. DRUM,
Adjutant-General.

Capt. AMOS C. WEEDEN,
Jamaica Plain, Mass.

AN ACT for the relief of Amos C. Weeden.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Amos C. Weeden, out of any moneys in the Treasury not otherwise appropriated, the pay and allowances of a captain of infantry from November 16, 1862, to March 3, 1863, for services rendered during that period, as of the grade of captain and assistant quartermaster with the First Division, Fifth Corps, Army of the Potomac.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 24, 1887.

SIR: In reply to your communication of the 15th instant, I have the honor to inform you that the Department is powerless to grant your request for recognition as captain Eleventh Rhode Island Volunteers, as there is no authority of law to warrant the recognition of any person as an officer of an organization with which he has rendered no service and upon the rolls of which his name does not appear.

Very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

Capt. AMOS C. WEEDEN.
Jamaica Plain, Mass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2605.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 2629.]

The Committee on Military Affairs, to whom was referred the bill (S. 2629) for the relief of Catherine Sullivan, having had the same under consideration, beg leave to submit the following report:

The bill provides—

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys not otherwise appropriated, the sum of one thousand nine hundred and sixty-nine dollars to Catherine Sullivan, widow of the late Patrick Sullivan, in payment for services rendered and moneys expended by the said Patrick Sullivan in the war of the rebellion.

It appears from vouchers on file in the Treasury Department that this claim has been paid.

Your committee therefore report the bill back to the Senate adversely and recommend its indefinite postponement.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2606.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 2041.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2041) for the relief of C. C. Roberts, having had the same under consideration, beg leave to submit the following report:

The bill proposes to pay C. C. Roberts the pay and emoluments of a first lieutenant of infantry from April 4, 1863, to November 1, 1863.

The records of the War Department show that Cassius C. Roberts was a corporal of Company I, Tenth Maine Infantry Volunteers, and was mustered out of service with that company May 7, 1863, at Portland, Me. It also appears that there is no record of Roberts' appointment as first lieutenant of United States colored troops, or that he rendered service as such, as his name does not appear on any of the records of the Eighty-first United States Colored Troops, Fourth Regiment Ullman's Brigade. It is admitted by Roberts that he was not mustered in the service "on account of sickness."

Your committee have uniformly decided against this class of cases, and they see no reason to change its opinion in this case.

The bill is therefore reported adversely and its indefinite postponement recommended.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2607.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 889.]

The Committee on Military Affairs to whom was referred the bill (S. 889) for the relief of Richard Oulahan, having had the same under consideration, beg leave to submit the following report:

The bill provides—

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Richard Oulahan, late a lieutenant in the One hundred and sixty-fourth Regiment of New York Infantry Volunteers, the full pay and allowances of a first lieutenant of infantry from the twentieth day of September, eighteen hundred and sixty-two, the date at which he was commissioned of that rank by the governor of the State of New York, to the nineteenth day of December of the same year, the date at which he was regularly mustered into the service of the United States; the said Oulahan having been detached by proper authority for and having rendered service as recruiting officer for the regiment at large during the period of time from September twentieth to November tenth, eighteen hundred and sixty-two, and reported for duty at Newport News, Virginia, November twentieth, eighteen hundred and sixty-two.

This is one of the character of cases which your committee have uniformly reported adversely on. If there is any justice in these claims—and there are many thousands of them—a general law ought to be passed covering them all and putting them all on the same level, but it is neither fair nor just to single out individual cases and grant them relief, and make a discrimination against those who have claims equally meritorious and who have not applied to Congress for relief.

The facts are stated in the appended report from the War Department.

Your committee report the bill adversely and recommend its indefinite postponement.

Case of Richard Oulahan, late of One hundred and sixty-fourth New York Volunteers.

RECORD AND PENSION DIVISION, *January* 29, 1890.

Richard Oulahan was mustered into service as first lieutenant and assigned to Company A, One hundred and sixty-fourth New York Volunteers, December 19, 1862.

On roll of his company for November and December, 1862 (first on file), he is reported first lieutenant, present for duty with remark, "Had 40 men enlisted and mustered into service, October 31, 1862;" January and February, 1863, first lieutenant, present; March and April, 1863, first lieutenant, "Absent without leave since April 12, 1863;" May and June, 1863, first lieutenant, absent; July and August, 1863, first lieutenant, present. He was honorably discharged as first lieutenant, to date September 4, 1863.

Richard Oulahan received authority from the State of New York to enroll volunteers for the Army on July 10, 1862, and it appears from accounts paid by mustering and disbursing officers at New York City that he was in recruiting service from July 12, 1862, to November 8, 1862; only 5 men, however, are reported on the muster-in rolls of the One Hundred and Sixty-fourth New York Volunteers as having been enrolled by him.

The records further show that Mr. Oulahan was commissioned first lieutenant, One hundred and sixty-fourth New York Volunteers, February 11, 1863, to rank from September 20, 1862, and that a vacancy was created for an officer of that grade in Company A on December 19, 1862, by the promotion of First Lieutenant Thomas Hickey to captain.

The One hundred and sixty-fourth New York Volunteers was organized and mustered into service November 19, 1862, with all the commissioned officers to which it was entitled under the law, and the vacancy cited was the first that occurred in the regiment subsequent to its muster.

In 1888, the claim of Mr. Oulahan for recognition as First Lieutenant, Company G, One hundred and sixty-fourth New York Volunteers, from September 20, 1862, to December 19, 1862, under the provisions of the act approved June 3, 1884, and the acts amendatory thereof, was rejected by this Department, for the reason that no vacancy existed for him as of that grade and organization prior to December 19, 1862, date of his muster into service as such.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2608.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 2020.]

The Committee on Military Affairs, to whom was referred the bill (S. 2020) granting an honorable discharge to John Cunningham, having had the same under consideration, beg leave to submit the following report:

Your committee recommend the indefinite postponement of this bill. The report from the War Department, hereunto appended, shows clearly why the relief prayed for should not be granted.

Case of John Cunningham, late private Company F, Tenth New Hampshire Volunteers.

RECORD AND PENSION DIVISION, *March* 11, 1890.

John Cunningham, private Company F, Tenth New Hampshire Volunteers, was enrolled on August 11, 1863, as a substitute, to serve 3 years, and deserted on May 29 or 30, 1864, never returning, although his company was retained in service until June 21, 1865.

In his application for removal of the charge of desertion under date of April 1, 1889, this man stated that after the battle of Drury's Bluff, Virginia (May 16, 1864), his corps was ordered to join the Army of the Potomac, and after embarking he received permission to go ashore to procure tobacco; before he returned the steamer had moved off. In his confusion he accepted the offer of a captain of a schooner to go with him and be landed at Fort Monroe, where he could get transportation to his regiment; but he was not allowed to land at Fort Monroe; he was carried to New York and induced to enter a sailor boarding house, where he was made drunk and placed on board of a ship bound for Russia, and he did not return to the United States until after the muster out of his company.

As his own admission proves that he was an intentional deserter, and as the provisions of the act of Congress approved March 2, 1889, do not apply to this case, the War Department is not empowered to grant the desired relief.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2609.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. R. 69.]

The Committee on Military Affairs, to whom was referred the joint resolution (S. R. 69) for the improvement and use of Bedloe's Island, in New York Harbor, as a free public park, having had the same under consideration beg leave to submit the following report:

This joint resolution having been referred to the Committee on Immigration in the first instance, it was on May 17 last reported by that committee with the following amendment:

Strike out all after the enacting clause and insert as follows:

"That the Secretary of War is hereby authorized and directed to control, use, and improve the whole of Bedloe's Island, in New York Harbor, upon which stands the Bartholdi Statue of Liberty, as a free public park, and to allow the access of visitors to said island under such limitations, rules, and regulations as said Secretary may deem expedient and necessary."

Consideration of the resolution being asked, the question as to the right of the Committee on Immigration to deal with this subject was raised, and after some discussion it was referred to your committee.

The Secretary of War was called upon for information concerning the subject matter of the resolution which he promptly furnished the committee.

It appears from the report of the Chief of Engineers that Bedloe's Island is now occupied and controlled jointly by the War Department and the Treasury Department and that no improvement upon the present condition of affairs would result from the passage of the amendment, as all persons now have access to the island by a passenger boat, which runs regularly from New York City, and the two Departments named have full power to make such rules and regulations as may be necessary for the government of visitors to the island and the Statue of Liberty.

The papers from the Department are hereunto attached and made part of this report.

For the reasons above stated the committee report the joint resolution and amendment back to the Senate adversely, and recommend their indefinite postponement.

Proceedings in the Senate May 17, 1890.

BEDLOE'S ISLAND.

Mr. CHANDLER. I am instructed by the Committee on Immigration to report back the joint resolution (S. R. 69) for the improvement and use of Bedloe's Island in New York Harbor as a free public park, with an amendment in the nature of a substitute, and I ask for its present consideration.

Mr. COCKRELL. Let it be read for information.

Mr. CHANDLER. I ask that the amendment only be read.

The VICE PRESIDENT. The substitute reported from the committee will be read.

The CHIEF CLERK. The committee report to strike out all after the resolving clause and insert:

"That the Secretary of War is hereby authorized and directed to control, use, and improve the whole of Bedloe's Island in New York Harbor, upon which stands the Bartholdi Statue of Liberty, as a free public park, and to allow the access of visitors to said Island under such limitations, rules, and regulations as said Secretary may deem expedient and necessary."

Mr. CHANDLER. I ask for the present consideration of the joint resolution.

Mr. PLUMB. I should like to ask the Senator from New Hampshire if the committee have made an estimate of the cost of this matter, and how they propose that the cost shall be provided for?

Mr. CHANDLER. The committee have made no estimate of the cost, and are not certain that it will require any appropriation. It is not the intention of the committee to recommend any appropriation and there may not be any appropriation necessary. The island is in very good condition now, and all that is desired by the committee at present is that the island may be kept as a public park under the control of the Secretary of War, unless otherwise subsequently ordered by Congress.

Mr. PLUMB. The Senator will observe that the joint resolution provides that the Secretary of War shall improve this plot of ground, and it would therefore be within his discretion to expend a very considerable sum of money, or at all events to contract for its expenditure.

MR. CHANDLER. As the Senator from Kansas knows, the Secretary of War can not spend a dollar of money until the Committee on Appropriations, of which the Senator is a distinguished member, makes an appropriation. All I can say on the subject is that it is not the intention of the Committee on Immigration to recommend any appropriations either at this or any other time.

Mr. PLUMB. It is true, perhaps, that the Secretary could not expend the money unless it was specifically appropriated, unless out of a contingent fund which the Secretary might have to expend. Of course that could not involve a very large expenditure, but it might involve a committal to a much larger expenditure on some plan to be devised by the Secretary of War, which would be embarrassing if an appropriation was not made. The purpose of having that plot of ground, on which the monument is situated, made of public access is undoubtedly a very proper one.

Mr. CHANDLER. That is all there is in the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL. I should like to know how the joint resolution comes from the Committee on Immigration instead of from the Committee on Public Buildings and Grounds. It seems to me if this island is public ground the Committee on Public Buildings and Grounds should have something to do with it.

Mr. CHANDLER. I will explain to the Senator that the Committee on Immigration having been instructed by a concurrent resolution of the two Houses to make an investigation into the proposed use of Bedloe's Island for an immigrant station and having made that investigation, and it having been decided, I think, by the unanimous approval of everybody that it should not be used as an immigrant station, the committee naturally have suggested this disposition of the island, that it should be made a free public park forever. If other committees wish to take charge of the joint resolution I have no objection. I have no objection to its going to the Committee on Military Affairs, of which the Senator from Missouri is a member.

Mr. COCKRELL. Is the island under the War Department or is it under the Treasury?

Mr. CHANDLER. Substantially the whole island is now under the control of the War Department.

Mr. COCKRELL. No part of it is under the Treasury Department?

Mr. CHANDLER. The Treasury Department, I think, has an unused building there.

Mr. INGALLS. Is this the island on which stands the Statue of Liberty Enlightening the World?

Mr. CHANDLER. This is the identical island.

Mr. COCKRELL. Does the Government own the whole island?

Mr. CHANDLER. The Government owns the whole island.

Mr. COCKRELL. This is a dangerous precedent to open up, that the Government is to furnish to the people of New York a public park and pleasure ground. I think it is a very dangerous precedent, and I shall have to offer an amendment to the joint resolution.

Mr. CHANDLER. If the Senator objects to the passage of the joint resolution at the

present time, I will move that it be referred to the Committee on Military Affairs I trust the Senator will not object to that.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire that the joint resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

WAR DEPARTMENT,
Washington, June 23, 1890.

SIR: I return herewith an amendment proposed to S. Res. 69, "for the improvement of Bedloe's Island, in New York Harbor, as a free public park," and other papers accompanying the same, referred to this Department on the 15th instant, and invite your attention to the inclosed letter of the Chief of Engineers, together with the report of Col. D. C. Houston, Corps of Engineers, dated the 18th instant, and the papers therein mentioned, on the subject.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. J. D. CAMERON,
Of Committee on Military Affairs, United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 20, 1890.

SIR: I have the honor to return herewith letter of Hon. J. D. Cameron, subcommittee of the Senate Committee on Military Affairs, of June 15, 1890, inclosing for the opinion of the Department, an amendment proposed to S. Res. 69, present session, joint resolution "for the improvement and use of Bedloe's Island, in New York Harbor, as a free public park," and other papers accompanying the same, with a report thereon, dated June 18, 1890, by Col. D. C. Houston, Corps of Engineers, in charge of the defensive works at Bedloe's Island, to whom the matter was referred.

As stated by Colonel Houston, Bedloe's Island is now occupied and controlled jointly by the War and the Treasury Department, in accordance with the approved report of conference, a copy of which accompanies Colonel Houston's report; hence it is suggested that the amendment be amended to except from its provisions that portion of the island now reserved to the use of the Light-House Board of the Treasury Department.

While no objection is seen to the use of the island as a public park, subject to its control and use by the War and the Treasury Department for public purposes, it is not seen how the passage of the proposed amendment will result in any improvement upon the present condition of affairs, as all persons now have access to the island by a passenger boat, which runs regularly from New York City, and the two Departments named, have full power to make such rules and regulations as may be necessary for the Government of visitors to the island and the Statue of Liberty. No improvements on the island for public park purposes can be made without special appropriations, which are not provided by the proposed amendment.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

ENGINEER OFFICE U. S. ARMY,
New York, June 18, 1890.

GENERAL: In compliance with your letter of the 17th instant, I have the honor to submit the following report on amendment to joint resolution (S. Res. 69), Fifty-first Congress, first session.

Bedloe's Island is now jointly occupied by the Treasury Department (Light-House Board) and the War Department, in accordance, as I understand, with the report of conference on the part of the two Departments dated January 31, 1887 (copy inclosed).

All persons have now access to the island by a passenger boat which runs hourly from New York City between the hours of 9:10 a. m. to 5:10 p. m. daily (Sundays included). The Treasury and War Departments have now full power to make such regulations as are necessary for the government of visitors to the island and the Statue of Liberty.

I see no objection to the use of the island as a public park, subject to its control and use by the Treasury and War Departments for public purposes; but unless funds

are provided for improvements the amendment does not appear to confer any power which does not now exist.

Very respectfully, your obedient servant,

D. C. HOUSTON,
Colonel of Engineers.

The CHIEF OF ENGINEERS, U. S. ARMY,
Washington, D. C.

REPORT OF CONFERENCE.

The undersigned, appointed on the part of the War Department and the Light-House Board of the Treasury Department, to confer relative to the limits of the military reservation at Bedloe's Island, New York Harbor, and collateral questions arising out of the maintenance of the Statue of Liberty as a light station, have, after a full and free conference, the honor to recommend to their respective Departments:

(1) That a portion of the north end of Bedloe's Island, with such buildings as are now located thereon, be reserved to the use of the Light-House Board; the boundaries and extent of this piece of ground to be fixed as follows: (See tracing map accompanying this report on which the boundary lines are indicated in red.) Beginning at a point A on the outer crest of the sea-wall distant 150 feet southeasterly from the intersection B of said outer crest with the prolongation of the southeast face of the brick building known as "the hospital," and running southwesterly at right angles to said outer crest of sea-wall for a distance of 200 feet to C, thence westerly at an angle of 128° 45′ with the first course for a distance of 200 feet, more or less, to low-water line at D, thence along low-water line northerly around the northern end of the island; thence southasterly to the point E at the intersection of low-water line with the prolongation of the first course, thence along this prolongation to the point of beginning A, embracing the entire northern end of the island and containing about 1.15 acres of up land.

(2) That the Light-House Board shall have the use of the wharf and right of way from it to the light-house reservation and to the "Statue of Liberty Enlightening the World," over the roadway or roadways already existing or that may hereafter be constructed, for landing and transporting to and from the reservation and statue all materials for construction and supply and for such other purposes as may be necessary in works of construction or repair on the reservation and the proper maintenance of the lighting plant and of the "Statue of Liberty Enlightening the World," as a beacon: *Provided, however,* That the cost of any repairs or extension of said wharf shall be shared equally by the War and Treasury Departments.

(3) That the employés of the Light-House Board shall have free access at all times to the pedestal and Statue of Liberty Enlightening the World, for the care and maintenance and for the lighting of the same as a beacon, and shall have the right to erect and maintain such lamps and lines of electric wires as may be necessary for the lighting of the said beacon, such wires to be carried from the engine house to the fort over the route indicated on the accompanying tracing or such other route or routes as may be suitable, to be supported on a line of poles or run under ground as may hereafter be selected by said Light-House Board.

(4) That the visits of strangers to the Statue of Liberty Enlightening the World to be maintained as a beacon shall be made under such regulations as the Light-House Board may designate and deem sufficient and proper.

(5) That the military force stationed at this post shall be charged with the preservation of law and order upon the island, and the enforcement of such regulations for visiting the statue and the light-house station as may be made by the Light-House Board.

(6) That any questions of jurisdiction or use growing out of the joint occupancy of this island by the War Department and Light-House Board shall be referred, in a joint letter of the commanding officer and inspector of the Third Light-House District to their respective Departments.

THOS. LINCOLN CASEY,
Colonel, Corps of Engineers, Member of Light-House Board, on behalf of the Light-House Board.

D. C. HOUSTON,
Lieutenant-Colonel of Engineers, on behalf of the War Department.

(Signed in duplicate.)

NEW YORK, *January* 31, 1887.

Approved by Secretary of War February 14, 1887.
Approved by Acting Secretary of the Treasury February 24, 1887.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2610.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany petition of Mrs. Eliza J. Bell.]

The Committee on Military Affairs, to which was referred the petition of Mrs. Eliza Bell, widow of William H. Bell, late private of Company G, Seventh Tennessee Cavalry, with the accompanying papers, have duly considered the same and submit the following report:

Mrs. Bell in her petition states that William H. Bell, about May 4, 1863, obtained a furlough, as he was sick, and went home, and was to report to his command at intervals until he was able to return, which he did through his family physician, and his captain coming into the community sent him word to meet him at his (the captain's) house on a certain day; that he went there accordingly, and whilst there with the captain, he and others were captured and made prisoners, and whilst in prison he died.

With the petition are the affidavits of Mary Lowder and W. J. Lowder. Mary Lowder testifies that she—

Lived in 2 miles of where the said Bell was captured, and it was a general rumor that he was captured, and not only so, but that many were hunted down with blood hounds, and she does not believe he intended to desert and go away from his command in the enemy's land, and could not get back on account that it was extremely dangerous to try.

William J. Lowder testifies that he—

Was personally acquainted with said soldier, William H. Bell; that he was at home on a sick furlough, and reported through a doctor, Henry McCall, two or three times, as directed to do; that he laid out in the woods with the said Bell, as it was dangerous to stay at home, on account of the Confederate conscript. The captain came into the community after a time and sent the said William H. Bell to meet him, which he did, and was captured while at the captain's house, and taken off and died in prison.

Your committee referred the petition to the Secretary of War for information and report, and received in reply the following letter and accompanying report:

WAR DEPARTMENT,
Washington City, July 11, 1890.

SIR: In reply to your request of the 9th instant for information upon petition to provide for the relief of William H. Bell, Company G, Seventh Tennessee Cavalry, I have the honor to inclose a report from the officer in charge of the record and pension division of this Department.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

CASE OF WILLIAM H. BELL, LATE MEMBER OF COMPANY G, SEVENTH TENNESSEE CAVALRY.

RECORD AND PENSION DIVISION, *July* 11, 1890.

The official records show that this soldier was enrolled as a corporal in Company G, Second Tennessee Cavalry (subsequently the Seventh Tennessee Cavalry) on August 5, 1862, under the name William Bell, to serve 12 months, and that he served faithfully in that organization until May 4, 1863, when granted a sick furlough for (presumably) 30 days. The company muster roll for May and June, 1863, reports him absent without leave "since May 4, 1863," and he is so borne on the muster roll of the company dated October 26, 1863.

It appears, however, that he was captured at Ripley, Tenn., June 10, 1963, was admitted to hospital at Richmond, Va., November 22, 1863, and died there on December 24, 1863, of rheumatism and acute diarrhea.

The charge of desertion does not appear against the record of the soldier, and the absence without leave of May 4, 1863, was removed by this Department on February 13, 1879.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon U. S. Army.

The SECRETARY OF WAR.

This report shows that no charge of desertion rests against the said William H. Bell, and that the charge of absence without leave of May 4, 1863, was removed by the Department on February 13, 1879. There is therefore no action which your committee can take.

As to the question whether the petitioner, Eliza J. Bell, is entitled to a pension or not, your commitee have no jurisdiction.

Your committee therefore report the petition back to the Senate, recommending that the prayer of the petition for any correction of the military record of said Bell be not granted and your committee be discharged from the further consideration of the same.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2611.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13596.]

The Committee on Pensions, to whom was referred the bill (H. R. 13596) granting a pension to Jacob F. Taylor, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill recommended.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 13596) granting a pension to Jacob Taylor, have considered the same and report:

The claimant was a member of Company B, Powell's Battalion, Missouri Volunteers, Mexican war, and served from July 1, 1847, to November 9, 1848, when honorably mustered out with the company. This service is a matter of record.

In his petition for relief the claimant states under oath that he is now 65 years of age and owns no estate, either real or personal, and is wholly incapacitated to support himself by labor by reason of old age and rheumatism, and that he is a charge upon his friends and relatives.

The claimant's statements are corroborated under oath by Montgomery Geiger, a citizen of Troy, Lincoln County, Mo., who served with the applicant in the Mexican war and has known him ever since.

Dr. J. A. Ward, of Troy, Mo., testifies that the claimant is afflicted with chronic rheumatism, chronic cystitis, and general debility, and that he is absolutely without property or means of support.

Mr. Taylor's post-office address is Linn's Mill, Lincoln County, Mo.

The Secretary of the Interior decides that the members of Powell's Battalion do not come within the letter of the Mexican war pension act of January 29, 1887, but recommends that they be included in said act, and Congress has repeatedly recognized the justice of their claims to pension by the passage of special acts granting the same.

The passage of this bill is thereupon recommended with an amendment to include the initial "F." in the applicant's name.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2612.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13214.]

The Committee on Pensions, to whom was referred the bill (H. R. 13214) granting a pension to Harvey E. Maccoun, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13214) granting a pension to Harvey E. Maccoun, submit the following report:

The claimant is the widow of Robert T. Maccoun, late medical director in the Navy of the United States, who died in the city of Baltimore on the 20th day of March, 1890, who was commissioned as assistant surgeon November 27, 1844, and was retired on the 19th day of April, 1879, after a period of active service of 35 years. He served through the Mexican war, and also the war of the rebellion, as follows:

Medical Director Robert T. Maccoun, services, etc.

Commissioned as assistant surgeon November 27, 1844.
U. S. S. *Jamestown*, west coast of Africa, November 1844–'46; U. S. S. *Ohio*, Gulf of Mexico and Pacific, 1846–'50,
Bombardment of Vera Cruz, Mexico; capture of Tuxpan, Mexico.
U. S. S. *Columbia*, 1852–'55, Gulf of Mexico.
Receiving ship *North Carolina*, at New York, 1855.
Resolute, belonging to H. B. M. Navy, sent to England, 1856.
Susquehanna, Mediterranean and Gulf of Mexico, 1857–'58.
Receiving ship *North Carolina*, New York, 1858.
Commissioned as surgeon, September 21, 1858.
Naval rendezvous, Baltimore, 1858–'61.
U. S. S. *Mississippi* (blockade), 1861–'63; actions of Fort Jackson and Fort St. Philip and Confederate fleet.
Expedition against guerrillas near Bonnet Carré, Mississippi River; action with the batteries at Port Hudson, La., with loss of ship.
Naval station, Baltimore, 1863–'66.
U. S. S. *Susquehanna*, Gulf of Mexico, 1866–'67.
Member of medical board, Annapolis, 1867.
U. S. S. *Delaware*, fleet surgeon, Asiatic station, 1867.
Commissioned as medical inspector March 3, 1871.
Member of Board of Visitors, Annapolis, 1871.
President of board of examiners, Annapolis, 1871.
Special duty, Baltimore, 1871.
Commissioned as medical director November 7, 1872.
Member of board of inspection, 1873.
Member of medical examining board, Washington, 1876.
Member of board of inspection, 1879.
Delegate to International Medical Congress at Geneva, Switzerland, 1877.

While in active service in the Navy, off the coast of China, he contrabted malarial fever, from the effects of which he never recovered, and which is shown by testimony on file to have been the ultimate cause of his death. The record of his actual service, as well as the history of his promotions in the Navy, show that he was an officer of distinguished skill, diligence, and bravery; that his service was long, faithful, and continuous.

The claimant was married to Medical Director Robert T. Maccoun on the 30th day of August, 1859. Neither party had been married before and there are 6 children living, the result of this marriage.

The said widow has no means of support for herself and 5 daughters and 1 minor son, other than the bounty of the Government and a house in the city of Baltimore, where she resides.

She is now drawing a pension of $30 per month, and in view of the long and honorable service of her husband, the committee recommend that the bill do pass.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2613.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 13394.]

The Committee on Pensions, to whom was referred the bill (H. R. 13394) granting a pension to Nancy O'Neal, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted and the passage of the bill is recommended.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 13394) granting an increase of pension to Nancy O'Neal, have considered the same and report as follows:

Mrs. O'Neal is the widow of John O'Neal, who was a private in Captains Craig and Hamilton's company of Kentucky Militia in the war 1812, and she is now receiving a pension at the rate of $12 per month under the general laws relating to service in said war.

Accompanying the bill is a petition signed by L. L. Howard, M. D., N. C. Brown, M. D., Scott B. Howard, M. D., and 8 other citizens of Ghent, Ky., and setting forth that Mrs. O'Neal (who is now about 64 years old) is afflicted with rheumatism and neuralgia, and has no means of support aside from her small pension; also that she has the care of a little granddaughter, which adds to her needs. She is further shown to be a very worthy and deserving woman.

Congress has, in several instances of this kind, granted an increase of pension, and your committee, believing the case of Mrs. O'Neal to be a deserving one, respectfully return the bill with a favorable recommendation.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2614.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 3788.]

This bill directs the Secretary of War to cause to be mustered Frank Gray as captain of Company C, One hundred and twenty-fourth Regiment Colored Infantry, to date from October 1, 1864.

Your committee have given very full consideration to this bill and have exhausted every source of information, and have heard Senator Sherman, of Ohio, who has urged the case for favorable action.

Your committee can not recommend favorable action of this bill, paying Mr. Gray as captain from October 1, 1864, of Company C, One hundred and twenty-fourth United States Colored Troops.

This company did not exist in fact or law at any time prior to November 11, 1864, and consequently there could be no captain. Mr. Gray was first appointed captain on January 10, 1865, and mustered in on January 21, 1865, and his muster-in has been antedated to January 10, 1865, from which date he has been paid.

Your committee obtained from the War Department all records and papers relating to this case, and also a copy of the law granting said Gray a pension as lieutenant, and of the report made on same.

By a close examination and comparison of the official records and the statements made at different times by Captain Gray and General Burbridge the defects of memory after the lapse of so many years will be shown.

Under all the rules and precedents your committee are constrained to report the bill back to the Senate adversely and recommend that it be indefinitely postponed.

Your committee attach hereto a copy of the law granting him a pension and of the report made thereon, and all the letters and papers received from War Department, and make them parts of this report.

[PRIVATE—No. 240.]

AN ACT granting a pension to Frank Gray.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Gray, as of the grade of second lieutenant, and pay him a pension from and after the passage of this act.

Approved, July 7, 1884.

[House Report No. 1882, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1339) granting a pension to Frank Gray, having examined the same, beg leave to submit the following report:

That Frank Gray was, some time in September, 1864, ordered before a board of officers at Lexington, Ky., for examination as to his qualification for appointment as an officer of United States Colored Troops; that he was examined and passed for an appointment as a captain; that a certificate was duly issued and forwarded to Adjt. Gen. L. Thomas, requesting the issue of a commission.

That he was at once ordered by General Burbridge to duty on his staff, and accompanied him in an expedition from Lexington, Ky., into the State of Virginia, and did not return until in January, 1865, by reason of which he failed to actually receive his commission until after the disability complained of had been received.

A report from the Adjutant General's Office shows the following as to the service of Frank Gray in the Army:

"1. Special Order No. 55, of November 6, 1864, military district of Kentucky (Brevet Major-General Burbridge, commanding), directing Lieut. F. Gray, United States Colored Infantry, to proceed to Frankfort, Ky., on special duty, for which he had received verbal instructions. The Quartermaster's Department was directed to furnish transportation; Lieutenant Gray to return as soon as practicable.

"2. Letter from Brevet Major-General Burbridge, commanding military district of Kentucky, dated November 12, 1864, addressed to Brig. Gen. Geo. L. Thomas, Adjutant-General, U. S. Army, requesting that Frank Gray, *citizen*, who had passed a favorable examination before the board for the position, be appointed a second lieutenant.

"3. Special Order No. 2, of January 10, 1865, issued by Adjutant-General Thomas at Louisville, Ky., announcing the appointment of Frank Gray, *citizen*, as captain One hundred and twenty-fourth United States Colored Infantry.

"4. The acceptance of said appointment by Gray, dated at Lexington, Ky., January 19, 1865, and inclosing his oath of office, executed at Lexington on the 27th of January, 1865.

"The petitioner (Frank Gray) was mustered into service as captain One hundred and twenty-fourth United States Colored Troops, January 24, 1865, to date January 21, 1865, and was discharged by Special Orders of March 17, 1865, on tender of resignation. * * *

"It would appear from the record that he was not in the military service of the United States at the date of his alleged injury, and that any service rendered on the staff of General Burbridge prior to January 21, 1865, was as a volunteer aid in anticipation of the appointment for which he had been recommended. His alleged employment on staff duty, however, of which there is no record, would have been in direct violation of General Orders, No 12, of 1862, from the headquarters of the Army."

The disability for which a pension is claimed is inguinal hernia, contracted in line of duty in the month of November, 1864, while on detached duty as aid to General Burbridge, caused by the falling of his horse while descending a steep and rocky hill, he, Gray, falling beneath his horse.

The injury being of a private nature, he did not go to hospital or secure medical treatment at the time, but fitted a truss himself, but soon found that the injury was of such a character as to unfit him for duty, and for this reason he resigned his commission in the following March.

General Burbridge confirms Gray's statement of the fall of his horse, he (Burbridge) being present, and assisted Gray to extricate himself from beneath his fallen horse. The evidence is quite full that Gray was a sound and healthy man when he entered the service, and a fair consideration of the evidence satisfies your committee that the disability from which Gray is now suffering resulted from this fall.

His claim was rejected by the Pension Bureau because it did not appear from the record that he was in the military service of the Government. This is technically correct, but the facts show that this occurred by reason of Gray's obedience to the order of his superior, General Burbridge, ordering him on detached duty, by reason of which he was prevented from receiving his commission and from being technically mustered into the service. He was in the actual military service of the Government when he received his disability, and which, by reason of this technicality, occurring in the way stated, the Pension Bureau properly rejected his claim for a pension.

Your committee are of the opinion that his case comes within the spirit of the law, and therefore recommend that the bill do pass.

WAR DEPARTMENT,
Washington City, June 13, 1890.

SIR: In reply to your request of the 11th instant for information upon Senate bill 3788, Fifty-first Congress, first session, to provide for relief of Frank Gray, as captain Company C, One hundred and twenty-fourth United States Colored Troops, I have the honor to inclose a report from the officer in charge of the record and pension division of this Department.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. JOS. R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Case of Frank Gray, late of One hundred and twenty-fourth United States Colored Troops.

The records of this Department show that Frank Gray was appointed captain, One hundred and twenty-fourth United States Colored Troops, January 10, 1865, and that he accepted the appointment January 19, 1865.

He was mustered into service as captain, Company C, said regiment, to date January 21, 1865, and was honorably discharged as such on tender of resignation March 17, 1865.

Company C was recruited to the minimum number November 11, 1864, and on that day first became entitled to commissioned officers under the provisions of War Department, General Orders, No. 61, of 1861.

The following is a copy of an order on file in this Department showing the assignment of Mr. Gray to duty:

SPECIAL ORDERS, No. 55. } HEADQUARTERS MILITARY DISTRICT OF KENTUCKY,
Lexington, Ky., November 6, 1864.

[Extract.]

* * * * * * *

11. Lieut. F. Gray, U. S. C. I., will proceed to Frankfort, Ky., on special duty for which he has received verbal instructions from these headquarters. The Quartermaster's Department will furnish necessary transportation. Lieutenant Gray will return as soon as practicable.

By command of Brevet Major-General Burbridge,

J. BATES DICKSON,
Captain and Assistant Adjutant-General.

On November 12, 1864, General Burbridge recommended his appointment as a second lieutenant in a letter addressed to Adjt. Gen. L. Thomas, of which the following is a copy:

HEADQUARTERS MILITARY DISTRICT OF KENTUCKY,
Lexington, Ky., November 12, 1864.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.:

GENERAL: I have the honor to request that appointments may issue to the following-named persons who have passed a favorable examination before the board for the position set opposite their respective names, in regiments of United States colored infantry:

* * * * * * *

Frank Gray, citizen, second lieutenant.

* * * * * * *

Very respectfully, your obedient servant,

S. G. BURBRIDGE,
Brevet Major-General, Commanding.

There are no returns of General Burbridge's command on file from July, 1864, to January, 1865, inclusive.

On April 29, 1890, the claim of Mr. Gray for amendment of his military record under the provisions of the act approved June 3, 1884, and the acts amendatory thereof, was denied by this Department for the reason that the records failed to show that

he joined his command (Company C, One hundred and twenty-fourth United States Colored Troops) for duty under his appointment as captain prior to January 21, 1865, date of his muster as such.

Respectfully submitted.

F. E. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

RECORD AND PENSION DIVISION, *June* 13, 1890.

The SECRETARY OF WAR.

WAR DEPARTMENT,
Washington City, July 7, 1890.

SIR: In reply to your request of the 2d instant, received the 5th instant, for additional information in the case of Mr. Frank Gray (S. bill 3788), I am directed by the Secretary of War to inform you that upon testimony of General Burbridge, Mr. Frank Gray has been recognized under the provisions of the act approved June 3, 1884, and the acts amendatory thereof as captain One hundred and twenty-fourth United States Colored Troops, to take effect from January 10, 1865, date of appointment.

The records do not afford any further information relative to Mr. Gray's military service than is embodied in the report upon Senate bill 3788, heretofore furnished.

Copies of all applications made and testimony submitted by Mr. Gray in his case are forwarded herewith.

Very respectfully,

F. E. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

Hon. F. M. COCKRELL,
United States Senate.

ATLANTIC BUILDING,
Washington, D. C., May 29, 1890.

SIR: Referring to the application of Capt. Frank Gray for correction of muster, I respectfully request to be informed if the affidavit referred to in the inclosed letter of Gen. S. Y. Burbridge has ever been received and examined in connection with the claim.

Very respectfully,

HARVEY L. MADDOX.

The OFFICER IN CHARGE OF THE RECORD AND PENSION DIVISION,
War Department, Washington, D. C.

1615 CHESTNUT STREET, PHILADELPHIA, *January* 23, 1890.

MY DEAR SIR: Yours of the 21st instant just received. I regret exceedingly to hear of the condition of Captain Gray. He was a good soldier and did hard and dangerous service, and was on active duty in the field, and it was no fault of his that he was not commissioned and mustered sooner. From the day he received his appointment he was ordered on duty by me, as a department commander, which give me the authority. Before leaving Washington I made an affidavit as full as I could and give it to Colonel Blackburn, as Captain Gray requested, and I think he will have no trouble.

I leave here about the 6th of next month for Europe, therefore could not give it the personal attention I would if in Washington. If I can do anything more by writing, let me know, and I will cheerfully do so. Dr. Moore is an old friend of mine. Give him my kind regards when you see him, and remember me kindly to Captain Gray.

Yours most truly,

S. G. BURBRIDGE.

Rev. HOWARD HENDERSON,
23 *Clark Street, Cincinnati, Ohio.*

JEFFERSONVILLE, IND., *July* 30, 1884.

MY DEAR SIR: Please send me the proper blanks under act of June 3 and July 5, 1884, to provide for the muster and pay of certain officers and enlisted men of the *volunteer* forces, as I come under this act. You will see by Senate report No. 1832,

to accompany bill S. No. 1339, that I did duty as an officer some 3 months before I received my commission, and it was during this time that I received my wound which has disabled me for life, and this act gives you the power of the change of my muster prior to the time of my injury, for the report shows it was no fault of mine that I did not get my commission, as I was in the enemy's lines obeying my superior officer, Gen. S. G. Burbridge.

Hoping to receive the blanks soon, as I am entirely unable to support my family on account of the condition of my wound, and no soldier never needed this little 3 months' pay more than I do.

Respectfully,

FRANK GRAY,
Late Captain One hundred and twenty-fourth Regiment,
U. S. Colored Infantry, Company C.

Post office address: Box 58, Jeffersonville, Ind.
Refer to Dr. W H. Sheets, of this city, as to disability.
The ADJUTANT-GENERAL, U. S. ARMY.

JEFFERSONVILLE, IND., *August* 7, 1884.

DEAR SIR: I wrote you sometime ago for the proper blanks under the act passed Congress June 3, 1884, for the muster and pay of certain officers and soldiers of the United States service, and as I come under that head, from my own knowledge of the facts in the case, and also from the Hon. S. M. Stockslager, of this State, who drew up and presented the bill, as for my benefit as well as for others, therefore I would like to get in some way recognized in the matter. I deserve some kind of attention and hope you will not put me off any longer; the bill has been passed and I am entitled to 3 months' extra pay as captain under this law. Hoping that you will give me an early reply,

I remain, yours very truly,

FRANK GRAY,
Late Captain One hundred and twenty-fourth Regiment U. S. Colored Infantry,
C Co., and on staff of Gen. S. G. Burbridge, Lexington, Ky.

ADJUTANT-GENERAL, U. S. ARMY,
Washington City, D. C.

Take House report No. 1882, to accompany S. bill No. 1339, granting me pension, and you see by reading it closely that I come under the above act of June 3, 1884.

JEFFERSONVILLE, IND., *September* 3, 1884.

ADJUTANT-GENERAL, U. S. ARMY,
Washington City, D. C.:

DEAR SIR: I inclose you my affidavit as near the facts which you require of me, under the notice I received from you of the 28th of August. I have sent affidavits to several of my old comrades, but whether the papers will reach them or not I can not say. If I get benefit of justice and a fair consideration of the report, there is no doubt I will be remustered, and I have every *confidence* in *you* in the world that you will, in your high position, give me the benefit of all reasonable doubts, and if there is a possible chance to remuster me you can have it so ordered. I have suffered here from two *great* floods, lost nearly everything I had, then for taking the action I did by guarding the polls at Frankfort, Ky., to protect Lincoln voters, then for being a captain of a colored regiment, I was so dreadfully run down and censured by the rebels at Frankfort, Ky., that I was compelled to leave the place. My wound which I received has become so severe on me that I am not able to do any kind of labor or work to support my little family, and my wife, in order to do this, has almost broken herself down.

To all of these facts I can furnish most positive proof. Therefore, if I am not entitled to remuster, in order to get the money which I paid for board, fuel, lights, clothing, and other necessaries while fighting in the U. S. Army, and helping to defend the Government, then there is no one entitled to it. Hoping you will favor a poor, broken-down soldier,

I remain, your obedient servant,

FRANK GRAY,
Company C, late Captain, One hundred and twenty-fourth Regiment,
U. S. Colored Troops.

Box 58, Jeffersonville, Ind.

COUNTY OF CLARK, *State of Indiana, ss:*

This is to certify that Frank Gray, of Clark County, Ind., personally appeared before me this —— day of September, 1884, and made oath to the following facts, to wit: Was not promoted from an enlisted man, was commissioned from private citizen; my commission and muster-in roll was destroyed by fire by the burning of my father's residence in the fall of 1869. I was a sound and healthy man when I entered the U. S. Army (I refer to affidavit of Dr. O. D. Todd, in Pension Office). Sometime during the month of September, 1864, I received an official notice from Bvt. Maj. Gen. S. G. Burbridge to report at his headquarters, Lexington, Ky., at once, for examination as an officer in a United States colored regiment. I obeyed this order, went before the board of examiners, and passed a successful examination as a captain. Here the board informed me that my passing successful was equal to my commission, and that I could enter upon duty; that General Thomas always issued commissions to all who passed the board successful; on this account I obeyed General Burbridge's special order placing me on duty on his staff as aide, and to act as his private secretary.

I continued to remain on duty in General Burbridge's headquarters until November 6, 1864. I received special orders from Bvt. Maj. Gen. S. G. Burbridge to proceed to Frankfort, Ky., on special duty. This special duty was to take charge of a company of United States troops stationed there, and to place detachments of this company at the different voting places in the county. I was forced to press private horses that the soldiers might reach the said voting places, they being far in the country, and my instructions so received from General Burbridge was to protect the polls, in order that those who so desired might vote for President Lincoln. I returned to headquarters and entered again on duty, as aide, after the election. Soon after this I was directed to get ready to accompany General Burbridge on an expedition in Virginia and Tennessee; I did accompany him on said expedition, and during this raid, while in an engagement with the enemy at night in front of Abingdon, Va., on descending a small but steep and rocky hill, my horse fell with me under him, and on account of this fall I was wounded in the left side, which wound caused me to be afflicted with inguinal hernia. General Burbridge being present, he helped me from beneath my horse.

I continued on the expedition until our return to Lexington, Ky.; there remained until some time between the 1st of January, 1864, to 10th of January, 1864. My father at Frankfort, Ky., gave a banquet to Gen. George L. Thomas, General Burbridge, and their respective staffs; here General Burbridge requested General Thomas make my commission as that of captain, as I had been wounded and was a gallant soldier; requested also to have my commission dated back, to which General Thomas remarked he would, and further remarked that my commission would have been forwarded sooner but he was South and only received the order for my commission just as he had been informed of our departure for Virginia and Tennessee, so he held it back, knowing he would be in Lexington, Ky., some time during the winter, and he could then issue the commission, but at that time he knew the commission could not reach me before I would be in the enemy's lines. After I had been commissioned and mustered, by my request General Burbridge allowed me to go to my regiment, then stationed at Camp Nelson, Ky., and after being with my company and regiment my wound began to annoy me, and it being of a private nature, I did not go to hospital or secure medical treatment at the time, but I fitted a truss to myself; but soon the injury was of such a character as to unfit me for duty, so I resigned March 17, 1864. All private orders and papers that I did have were destroyed by fire on account of the burning of my father's house, as above stated.

FRANK GRAY.

Subscribed and sworn to before me September 3, 1884.

RICHARD C. MCGILL,
Clerk, Clark Circuit Court.

JEFFERSONVILLE, IND., *September* 5, 1884.

DEAR SIR: Please find inclosed the affidavit of Lieut. J. W. Throckmorton, Company H, Fifth U. S. Colored Calvary. He was with me on the expedition with General Burbridge and knows that I was considered an officer all the time. I will try and send you as much evidence as I possibly can, and hope you will consider my case favorable, as justice to myself should be done.

Respectfully, your obedient servant,

Capt. FRANK GRAY,
Late captain Company C, One hundred and twenty-fourth Regiment U. S. Colored Infantry.

P. O. box 58, Jeffersonville, Ind.

ADJUTANT-GENERAL, U. S. ARMY,
Washington City, D. C.

[Inclosure.]

STATE OF KENTUCKY, *County of Bourbon, ss:*

Personally appeared before me, John W. Throckmorton, late lieutenant Company H, Fifth Regiment United States Colored Cavalry, and made oath that he is acquainted with Frank Gray, late captain Company C, One hundred and twenty-fourth Regiment United States Colored Infantry; that said Gray did duty as captain of said company and regiment while detailed on the staff of Bvt. Maj. Gen. S. G. Burbridge, at Lexington, Ky., during the months of October, November, and December, 1864, and part of the month of January, 1865, to the time of his original muster; that said Gray did duty as captain on the staff of Gen. S. G. Burbridge on an expedition in the States of Virginia, Tennessee, and Kentucky during these months, and from which he was prevented from receiving his commission and being duly mustered.

JOHN W. THROCKMORTON,
First Lieutenant Company H, Fifth U. S. C. C., and Aid-de-Camp.

P. O. box 58, Jeffersonville, Ind.

JEFFERSONVILLE, IND., *October* 7, 1884.

DEAR SIR: I inclose you another affidavit, that of Dr O. D. Todd, of Eminence, Ky., in answer to Article No. 3, of a list of papers to be forwarded by claimant on form 2217, C. T. 1884, to further case of my remuster; certainly the affidavit of General Burbridge, that of Lieut. J. W. Throckmorton, of myself, and the inclosed one ought to convince you of enough proof to the remuster under the public act of June 3. God knows, what more do you want? I have furnished even more according to my rank than your circular calls for, and a few days ago I received a communication from the Hon. H. M. Teller, Secretary of the Interior, saying as soon as he heard from the Pension Office he would take up and consider my claim. Now, will you be so kind as to furnish me with the information as to whether the Department of the Interior has been furnished with a favorable report from your office in regard to my case, if so, you will greatly oblige,

Yours, most respectfully,

FRANK GRAY,
Late Captain One hundred and twenty-fourth Regiment U. S. Colored Troops, C Company.

P. O. box No. 58, Jeffersonville, Ind.

ADJUTANT-GENERAL, U. S. ARMY,
Washington City, D. C.

[Inclosure.]

COUNTY OF HENRY, *State of Kentucky, ss:*

This is to certify that personally appeared Dr. O. D. Todd, of Eminence, Henry County, Ky., this 30th of September, 1884, and says that he is personally acquainted with Frank Gray, late captain Company C, One hundred and twenty-fourth Regiment United States Colored Infantry; that to his knowledge and belief said Frank Gray was a sound and healthy person when he entered in the United States Army, in the fall of September, 1864; that he roomed and slept with said Gray prior to his entering the U. S. Army, and thinks he would have known the fact had he not been sound and healthy.

O. D. TODD, M. D.

Subscribed and sworn to before me by Dr. O. D. Todd this September 30, 1884.

W. W. TURNER,
Clerk of the Henry County Court.

JEFFERSONVILLE, IND., *September* 10, 1884.

DEAR GENERAL: I inclose you the affidavit of Maj. Gen. S. G. Burbridge, relative in my case as to remuster under public act of June 3, 1884, and in answer to "list of papers to be forwarded by claimant" I hope that with this one and the other two which I have already sent that it will satisfy you as to me being a soldier, as claimed in my report, and that you will honor me with a favorable report to the Second

Auditor in order to draw the 3½ months of pay which I did duty for but never received.

Respectfully, your obedient servant.

Capt. FRANK GRAY,
Late Captain Company C, One hundred and twenty-fourth Regiment, U. S. Colored Troops.

P. O. box 58.
The ADJUTANT-GENERAL U. S. ARMY,
Washington City, D. C.

I hope you will retain the affidavit of General Burbridge for me.

STATE OF PENNSYLVANIA, *County of Philadelphia:*

Personally appeared before me this 6th of September, 1884, Maj. Gen. S. G. Burbridge, late of the U. S. Volunteers, and made oath to the effect that he is personally acquainted with Frank Gray, late captain Company C, One hundred and twenty-fourth Regiment United States Colored Infantry; that during the latter part of September, 1864, he ordered said Gray to appear before the board of Examiners at Lexington, Ky., to be examined for an officer, to rank as lieutenant of colored troops; that said Gray intended to be examined as lieutenant, but the board of officers examined him, said Gray, as captain, and so reported it to Adjt. Gen. L. Thomas, U. S. Army, prior to my letter under date of November 12, 1864, addressed to Gen. L. Thomas, Adjutant General, U. S. Army, requesting that Frank Gray, who had passed a favorable examination before the board for the position, be appointed a lieutenant. This above letter was written after frequent inquiries by said Gray as to the delay of his appointment; that he had been examined near 2 months without having heard from his commission.

That he was informed by the board that his commission would arrive in about 2 weeks after his successful examination, and I wrote the above letter in order to bring up the said Gray's appointment, as I was getting ready for the expedition in Virginia and Tennessee, and desired said Gray to accompany me as aid-de-camp on my staff, and on my return from the said expedition, some time between the 1st and 10th of January, 1865, in company with Adjt. Gen. L. Thomas, accompanied by his and my own staff, and while being entertained by said Gray and his father's family at Frankfort, Ky., I requested Adjt. Gen. L. Thomas to issue the commission to said Gray as captain in place of lieutenant, as he had been wounded and was a gallant and brave officer, and requested his appointment to be dated back to the time of his first passing the board of examiners, for which General Thomas said positive he would have it done. That I supposed it had been dated back until the commission arrived.

I directed Gray to return the commission to General Thomas, with my request for correction of date, which he failed to do, objecting to the annoyance and delay. Gray was constantly on duty on my staff as aid, and private secretary. He was a faithful and gallant officer. Under Special Orders 53, November 6, 1864, he was ordered to Frankfort, Ky., on special important duty. I regarded him as an officer, and so ordered him on duty. The special duty at Frankfort was of the most delicate and important, which he performed with judgment. He came near losing his life in its performance. Captain Gray is the only officer who passed the examination that did not receive his commission, as requested, and his was evidently a mistake; Gray being on duty with me in Virginia and Tennessee, and General Thomas south, may have been the cause of the delay and mistake. I have no interest in the within case.

S. G. BURBRIDGE.

Sworn to before me this 6th day of September, 1884.

F. H. SMITH,
Deputy Clerk.

[SEAL.]

Declaration of Frank Gray to correct date of commission and muster in the United State military service.

STATE OF OHIO, *Hamilton County, ss:*

Before me, a notary public, personally appeared Frank Gray, late captain in the One hundred and twenty-fourth Regiment United States Colored Infantry, who, being duly sworn according to law, makes the following declaration in order to have the date of commission and muster in as lieutenant in said One hundred and twenty-fourth Regiment United States Colored Infantry corrected:

That he was duly examined for a lieutenancy by a board of officers constituted for that purpose in September, 1864, at Lexington, Ky., and was recommended for ap-

pointment; that on November 6, 1864, by Special Orders No. 55, Military District of Kentucky, Major General Burbridge commanding, he was assigned to duty as lieutenant on the staff of Major General Burbridge; that he entered upon duty under said order and performed all the duties of said office of lieutenant until January 10, 1865, when he was promoted captain; that no commission as lieutenant was ever delivered to affiant, and in consequence he was never mustered as such; that he was under orders of his superior officers, performing duty all the time from entering the service, November 6, 1864, to his muster as captain, for evidence of which he refers to the records of the military district of Kentucky.

Wherefore said Frank Gray prays that he may be commissioned and the record corrected so as to state the fact and that he may be mustered from November 6, 1864, as second lieutenant in the One Hundred and twenty-fourth United States Colored Infantry and for all other and further proper relief. My post-office address is No. 186 West Ninth street, Cincinnati, Ohio.

FRANK GRAY.

Sworn and subscribed to before me this 24th day of October, 1886, and I certify that affiant is respectable and known to me.

P. J. JONES,
Notary Public.

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Stephen G. Burbridge, being first duly sworn, on oath deposes and says: That dur the summer and fall of 1864 I was in command of the military district of Kentucky, by order of the President of the United States, with authority of a department commander. That a part of my duties were to organize regiments of colored troops, and to select and recommend the line and field officers of such regiments to the Adjutant-General of the Army, who issued the commissions upon my recommendation; that on or about the middle of the month of September, 1864, I recommended one Frank Gray, for commission as lieutenant in the One hundred and twenty-fourth regiment of United States Colored Infantry, and immediately thereafter I detailed said Frank Gray upon my staff, for special duty, where he continued to serve until sometime in the month of January, A. D. 1865; that soon after his said detail upon my staff I took him with me on an expedition into Virginia, by the way of "Pound Gap;" and that soon after returning from said expedition I took said Gray with me upon another expedition into Virginia, when we destroyed the railroad from Strawberry Plains, Tenn., to near Lynchburgh, Va.; from which expedition we did not return until in January, 1865; that during this expedition we experienced the most inclement weather, and the hardest service of the war.

That while nearing Abingdon, Va., in December, 1864, while engaged with the enemy, Lieutenant Gray's horse fell on him in such manner as to severely injure him, but he continued with the command until we returned to Kentucky, as every soldier was compelled to do or be left in the enemy's country, subject to murder, on account of commanding colored troops; that previous to the time of my recommending said Gray as a lieutenant Adjutant-General Thomas, of the U. S. Army, had been with me in Kentucky and issued commissions to the officers recommended by me, immediately upon recommendation; but that just at this time the said Adjutant-General Thomas was in Mississippi and therefore the said Gray's commission was not issued to him until after the return of the said Thomas; neither was there any opportunity for the mustering of the said Gray into the service after his detail by me, as he was almost constantly on duty in the field, and no mustering officers were present at any time until after our return in January, 1865.

Lieut. Frank Gray was a good officer and faithful soldier and performed the most arduous and dangerous duties from the time of his detail to the time he was injured, and in my opinion is fully entitled to compensation for his time and to a pension for the injuries he received and for any disease he may have contracted while in said service.

STEPHEN G. BURBRIDGE.

Sworn to and subscribed before me January 16, 1890.

ALVYN W. COLEMAN,
Notary Public.

THE STATE OF OHIO, *Hamilton County, ss:*

Before me, the undersigned authority, personally appeared Frank Gray, who, being duly sworn on his oath, makes the following declaration for the purpose of having the date of his muster in corrected; that he was enrolled in the United States service as a lieutentant in Company C, One hundred and twenty-fourth regiment, United

States Colored Infantry Volunteers, on or about the 15th day of September, 1864, and immediately ordered on duty by Major-General Burbridge, commanding Department of Kentucky; that on the 6th day of November, 1864, a special order was issued from headquarters, Department of Kentucky, Major-General Burbridge commanding, detailing Lieut. Frank Gray for special duty on the staff; that immediately thereafter the command proceeded to Abingdon, Va., where on the 15th day of December, 1864, while engaged in action with the enemy, this affiant was seriously and severely injured by his horse falling on him.

That from his appointment in said service until January, 1865, he was engaged in active service beyond the reach of any commissary of muster, and, therefore, by reason of the duties assigned to and performed by him it was impossible to be mustered into the United States service; that in the month of January, 1865, as soon as he arrived at a place where he could be, he was mustered into the United States service; that there was error in said muster, in this, to wit: Affiant should have been mustered from the date he was assigned to duty by General Burbridge, when in fact he was only mustered from the date of presenting himself for muster, at which time he had been promoted to captain in said organization.

Wherefore he prays that the record of said muster be corrected to conform to the facts of his service, for all of which he will ever pray.

I hereby appoint P. J. Jones, of Cincinnati, my lawful attorney to prosecute this claim.

FRANK GRAY.

Also personally appeared Robert G. Schmidt, residing at Cincinnati, and Harry S. Borland, residing at Cincinnati, being duly sworn, say: Frank Gray signed the foregoing declaration; that they have every reason to believe from his appearance and their acquaintance with him that he is the identical person he represents himself to be, and that they have no interest in the matter of this declaration.

ROBERT G. SCHMIDT.
HARRY S. BORLAND.

Sworn to and subscribed before me this 7th day of January, 1890.

H. W. LOWRY,
Notary Public.

Application to correct muster.

STATE OF OHIO, *Hamilton County, ss:*

Before me, a notary public, on this 24th day of February, 1887, personally appeared Frank Gray, aged 41 years, a resident of Cincinnati, Hamilton County, State of Ohio, who, being duly sworn, on his oath says that he is the identical Frank Gray who was appointed captain and assigned to the One hundred and twenty-fourth Regiment United States Colored Infantry, on the 6th day of November, 1864, by special order No. 55, dated Headquarters Military District of Kentucky, Brevet Major-General Burbridge commanding.

That under and by virtue of said order he entered upon the discharge of his duties as captain and aid-de-camp on the staff of said Brevet Major-General Burbridge; that he continued to perform all and singular the duties appertaining to said office of captain of United States Colored Infantry until January 24, 1865, when he was duly mustered into the service aforesaid as captain.

That he was ordered before a board of officers at Lexington, Ky., in the month of September, 1864, for examination as to his qualifications for appointment as an officer of United States Colored Troops; that he passed for appointment as captain, that a certificate was duly issued and forwarded to Adjt. Gen. Lorenzo Thomas, requesting the issue of said commission; that he being ordered by General Burbridge on duty on his staff and accompanied him on an expedition from Lexington, Ky., into the State of Virginia, and did not return until January, 1865, by reason of which he failed to receive his commission until the 19th day of January, 1865.

Therefore the said Frank Gray prays that the record of his commission and muster as captain of the One hundred and twenty-fourth Regiment United States Colored Infantry be corrected to conform to the facts and cover the time he was actually in the service performing the duties of said rank as aid-de-camp on the staff of Brevet Major-General Burbridge, for which he will ever pray. His residence and post-office address is northeast corner Western avenue and Findley street, Cincinnati, Ohio.

FRANK GRAY.

PRICE J. JONES.
GRAFTON M. WHARTON.

Also personally appeared Robert Hedger and Grafton M. Wharton, persons whom I certify to be respectable and entitled to credit, and being by me duly sworn, say

they were present and saw Frank Gray sign the foregoing application; that they have every reason to believe from his appearance and their acquaintance with him that he is the identical person he represents himself to be, and that they are not interested in this matter.

ROBERT HEDGER.
GRAFTON M. WHARTON.

Sworn to before me and subscribed in my presence this 24th day of February, 1887.

C. H. GOULD,
Notary Public, Hamilton County, Ohio.

WAR DEPARTMENT,
Record and Pension Division, July 7, 1890.

Official copies furnished for the information of Hon. F. Cockrell, United States Senate.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

WAR DEPARTMENT,
Washington City, July 16, 1890.

Hon. F. M. COCKRELL,
United States Senate:

SIR: I am directed by the Secretary of War to acknowledge the receipt of your communication of the 8th instant, requesting to be furnished with additional data in the case of Frank Gray, late captain One hundred and twenty-fourth United States Colored Troops.

In reply I have the honor to inform you that the records of this Department show that Company C, One hundred and twenty-fourth United States Colored Troops, was recruited to the minimum number (80 enlisted men) November 8, 1864, and was mustered into service November 11, 1864; the first man for the company was enrolled September 19, 1864.

The original officers of Company C were Frank Gray, appointed captain January 10, 1865, and mustered in January 21, 1865; George H. Bunnel, appointed first lieutenant December 14, 1864, mustered in January 23, 1865, and Samuel A. English, mustered in as second lieutenant January 19, 1865. The date of appointment of the latter officer is not shown by the records.

The other companies of the regiment were recruited to the minimum number and mustered into service as follows, viz:

Company.	Date of recruitment to the minimum.	Date of muster in.	Company.	Date of recruitment to the minimum.	Date of muster in.
A	Dec. 2, 1864	Dec. 9, 1864	G	Jan. 17, 1865	Jan. 30, 1865
B	Nov. 11, 1864	Nov. 11, 1864	H	Feb. 17, 1865	Feb. 17, 1865
D	Nov. 8, 1864	Nov. 8, 1864	I	Apr. 5, 1865	Apr. 14, 1865
E	Jan. 21, 1865	Jan. 24, 1865	K	Apr. 3, 1865	Apr. 3, 1865
F	Nov. 28, 1864	Nov. 28, 1864			

The original field officers of the regiment were Col. Frederick H. Bierbower, appointed colonel April 29, 1865, mustered in as such May 15, 1865, and Lieut. Col. George A. Hanaford, appointed lieutenant-colonel December 14, 1864, and mustered in January 1, 1865. The regiment never had a major.

This Department is unable to furnish any information relative to the examination of Mr. Gray for a position as an officer of colored troops, as there is no record of the proceeding of the board of examiners at Lexington, Ky., on file, nor can any record be found of his assignment to duty as an aid to General Burbridge.

The following is a copy of an order, the earliest on file that refers to any military service rendered by Mr. Gray:

HEADQUARTERS MILITARY DISTRICT OF KENTUCKY,
Lexington, Ky., November 6, 1864.

SPECIAL ORDERS }
No. 55. }

* * * * * * * *

11. Lieut. F. Gray, United States Colored Troops, will proceed to Frankfort, Ky., on special duty, for which he *has* received verbal instructions from these headquarters.

The Quartermaster's Department will furnish necessary transportation. Lieutenant Gray will return as soon as practicable.

By command of Brevet Major-General Burbridge.

J. BATES DICKSON,
Captain and Assistant Adjutant-General.

On November 12, 1864, General Burbridge recommended his appointment as a second lieutenant in a letter addressed to Adjt. Gen. L. Thomas, of which the following is a copy:

HEADQUARTERS MILITARY DISTRICT OF KENTUCKY,
Lexington, Ky., November 12, 1864.

Brig. Gen. L. THOMAS,
Adjutant General, U. S. Army, Washington, D. C.:

GENERAL: I have the honor to request that appointments may issue to the following-named persons, who have passed a favorable examination before the board, for the position set opposite their respective names in regiments of United States colored infantry:

* * * * * * *

Frank Grey, citizen, second lieutenant.

* * * * * * *

Very respectfully, your obedient servant,

S. G. BURBRIDGE,
Brevet Major-General, Commanding.

"Letters received book," military district of Kentucky, shows a communication dated November 6, 1864, from F. Gray, who styles himself as "Lieutenant and A. D. C., military district, Kentucky." This letter is not on file.

The records show relative to the whereabouts during the months of September, October, and November, 1864, of Brig. Gen. L. Thomas, adjutant-general of the army, as follows: September 1 to 3, at Natches; 5th and 6th, at Vicksburg; 9th, at Memphis; 15th to the 20th, at Louisville; October 7 and 8, at Louisville; 21st to the 24th, at Baltimore; November 23, at Parkersburg, Va.; 26th, at Louisville, Ky.

On April 22, 1864, General Burbridge submitted to General Thomas for examination and approval General Orders No. 34, Headquarters, District of Kentucky, dated April 18, 1864, copy herewith.

This order was returned with the following letter of instructions:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 25, 1864.

Brig. Gen. S. G. BURBRIDGE,
U. S. Volunteers, Commanding District of Kentucky, Louisville, Ky.:

GENERAL: By direction of the Secretary of War, I have respectfully to inform you that the four first paragraphs of General Orders, No. 34, current series, from your headquarters, establishing regulations for the enlistment of colored men in the State of Kentucky, are approved; the fifth paragraph is regarded as superfluous.

I am further directed to instruct you to cause the recruits enlisted in pursuance of said order to be sent to Capt. R. D. Mussey, Nineteenth United States Infantry, acting commissioner of organization of colored troops at Gallatin, Tenn., or Nashville, Tenn., as may be determined between yourself and Captain Mussey, who will organize the recruits and assign them to regiments.

In all cases where a recruit has been held to service under a master or owner, the name of such owner will be entered on the muster-in roll opposite the name of the recruit.

Duplicate muster and descriptive rolls of the detachments will in all cases be forwarded with such detachments to Captain Mussey, one of which he will forward to this office after having entered upon the roll opposite the names of each of the recruits the designations of the regiments to which they have been assigned.

These measures are necessary for ready reference at this office in cases where claims for payment are made by owners in consequence of the enlistment of their slaves.

Certificates of enlistment and descriptive lists will be furnished to loyal owners whose slaves are enlisted.

A supply of the former as per inclosed copy, will be forwarded to you from this office.

I have the honor to be, very respectfully, your obedient servant,

C. W. FOSTER,
Assistant Adjutant-General Volunteers.

There does not appear to have been any correspondence between General Burbridge and the War Department or General Thomas relative to the organization of the One

hundred and Twenty-fourth United States Colored Troops, other than letters recommending the appointment of officers for that regiment.

The earliest nomination for appointment in the regiment of which this Department has any record was made November 12, 1864.

It will be noticed that Frank Gray was recommended for appointment as second lieutenant the same date, but the regiment to which he was to be assigned is not stated.

The following is a copy of the first letter that can be found recommending the appointment of officers for colored troops in Kentucky:

HEADQUARTERS DISTRICT OF KENTUCKY,
FIFTH DIVISION, TWENTY-THIRD ARMY CORPS,
Lexington, Ky., September 10, 1864.

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. Army, Vicksburg, Miss.:

GENERAL: I have the honor to request appointments for the following-named persons to the positions designated opposite their respective names:

These persons are Kentuckians, and I desire the appointments more particularly on account of the good effect it will have upon public sentiment in this State to have Kentuckians appointed as officers of colored troops.

I am personally acquainted with the parties, and believe they will make good and efficient officers. Thomas Blakey, major of cavalry; Nelson C. Lawrence, major of cavalry; Jesse Redfern, major of cavalry; Isaac Cooper, first lieutenant heavy artillery; Samuel Chastin, first lieutenant cavalry.

Very respectfully, your obedient servant,

S. G. BURBRIDGE,
Brevet Major-General, Commanding.

On June 2, 1890, the military record of Mr. Gray was amended by this Department under the provisions of the act approved June 3, 1884, and the acts amendatory thereof, to show him recognized as captain Company C, One hundred and twenty-fourth United States Colored Troops, from January 10, 1865, date of his appointment as such.

Attention is repectfully invited to copies of the following orders, viz:

War Department, General Orders, No. 61, of 1861, promulgating the conditions governing the musters into service of the original officers of a company or regiment.

General Orders, No. 21, District of Kentucky, dated February 22, 1864, issued by General Burbridge upon assuming command of the District of Kentucky.

Special Orders, No. 140, War Department, Adjutant-General's Office, dated April 6, 1864, charging General Burbridge with the general superintendence of recruiting in the State of Kentucky, and General Orders, No. 240, War Department, Adjutant-General's Office, dated August 7, 1864, assigning General Burbridge to the command of the Military District of Kentucky.

Very respectfully,

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

GENERAL ORDERS, No. 61. WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 19, 1871.

Officers who have not been mustered into service have power to enroll men, but are not competent to muster them, under the provisions of General Orders, No. 58, current series, from the War Department. In this case the muster must be made by some officer, either volunteer or regular, already in the service, and the oath must be administered by a civil magistrate or an officer of the regular Army—preferably the latter.

In mustering companies, the original muster-in rolls will be retained at the company rendezvous, upon which the names of the members will be enrolled as they present themselves. As they are mustered they will be sent to the commanding officers of camps or rendezvous, with descriptive lists stating name, date of enrollment, and muster, the officer by whom mustered, the company and regiment to which they belong, whether they have or have not taken the oath of allegiance prescribed for those entering the service, and such other information as may be necessary or useful in the case. Necessary subsistence will be procured upon returns signed by the mustering officer.

When one-half of a company has been mustered into service, the first lieutenant thereof can also be mustered in, and when the organization of the company is completed the captain and second lieutenant can be so mustered.

When the men of a company have been mustered by more than one officer the fact must be stated on the muster-rolls, opposite their names, "by whom mustered," and these rolls must be signed by each of the mustering officers.

Field and staff officers of regiments can be mustered into service upon the completion of the organization of regiments, or companies, as follows:

Colonel—entire regiment.
Lieutenant-colonel—four companies.
Major—six companies.
Chaplain, Surgeon, Adjutant, Quartermaster, Assistant-surgeon, } entire regiment.

The cost of transportation of troops from place of muster to place of rendezvous will be paid as directed in General Orders, No. 58, current series, from this office, from the appropriation for "collecting, drilling, and organizing volunteers." Quartermasters at camps of rendezvous will make requisitions upon the adjutant-general for the funds necessary for this purpose. All officers charged with disbursements of funds appropriated under the act mentioned will forward to this office monthly summary statements and accounts current, with vouchers, in the manner prescribed for the general recruiting service.

By order:

L. THOMAS,
Adjutant-General.

GENERAL ORDERS, No. 21.

HEADQUARTERS DISTRICT OF KENTUCKY,
Louisville, February 22, 1864.

By direction of the major-general commanding the Military Division of the Mississippi, I hereby assume command of the District of Kentucky with headquarters in this city.

S. G. BURBRIDGE,
Brigadier-General of Volunteers.

SPECIAL ORDERS, No. 140.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 6, 1864.

* * * * * * *

18. In addition to his duties as commander of the District of Kentucky, Brig. Gen. S. G. Burbridge, United States Volunteers, is charged under the direction of the proper Bureaus of this Department, with a general superintendence of the execution of the acts of Congress for raising troops in Kentucky by voluntary enlistments and by drafting.

The assistant to the provost-marshal-general of the State will continue in the performance of the duties heretofore assigned him, but will receive from General Burbridge such orders as the latter may deem necessary to secure the most prompt and faithful execution of the laws in question.

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 34.

HEADQUARTERS, DISTRICT OF KENTUCKY,
Louisville, Ky., April 18, 1864.

I. In obedience to orders from the War Department, the general commanding, in addition to the duties incumbent upon him as commander of this district, assumes, under direction of the proper Bureaus of the War Department, a general superintendence of the execution of the acts of Congress for raising troops in Kentucky by voluntary enlistments and by drafting.

II. The assistant to the provost-marshal-general of the State is not relieved from any of the duties heretofore assigned him, but will receive from the general commanding such orders as he may deem necessary to secure the most prompt and faithful execution of the laws in question. All reports and returns heretofore required will be made to him by his subordinates, and not to these headquarters.

III. The recruiting of able-bodied slaves and free colored persons will be conducted within the limits of this State under the following restrictions:

(*1*) The assistant to the provost-marshal-general of the State, the provost-mar-

shals of districts, and the deputy provost-marshals in each county are directed to receive and regularly enlist as soldiers in the service of the United States all able-bodied negro slaves and free colored persons of lawful age who may apply to them to be enlisted and in case of slaves whose owners may request the enlistment, and no one will be permitted to recruit or enlist such slaves or free colored persons save such provost-marshals, deputy provost-marshals, and authorized agents.

(2) As soon as enlisted the recruit will be at once forwarded to the provost-marshal of the district for muster into the service of the United States; and as soon as mustered, and squads of such recruits are collected, they will be at once forwarded to the general rendezvous at Louisville, thence forwarded by the commandant of the rendezvous to the nearest rendezvous or camp of instruction outside of the State, for the purpose of being equipped and assigned to companies and regiments.

(3) It shall be the duty of the provost-marshal, whenever he accepts and musters into the United States service a slave belonging to a citizen of the State, to give the citizen such certificate of the fact, in duplicate, as will enable him to receive from the Government the compensation authorized by law for such recruits.

(4) Any person who may be found recruiting, enlisting, or attempting to recruit any negro slave or free colored person in this State, who is not, under the provisions of this order, authorized to do so, will be arrested and forwarded to these headquarters; and all officers serving in this district are charged with the strict enforcement of this order.

(5) Camps for instruction and drill of colored volunteers within this district are interdicted, and recruits will, in all cases, be forwarded as herein directed, with all practicable dispatch.

By command of Brigadier-General Burbridge.

THOMAS B. FAIRLEIGH,
Lieutenant-Colonel and Acting Assistant Adjutant-General.

I think this order is good except the fifth paragraph, for which I see no necessity.

J. B. FRY,
Provost-Marshal-General.

APRIL 28.

The first four paragraphs of the within order are approved, and as the recruits are to be removed from Kentucky the fifth paragraph is superfluous.

EDWIN M. STANTON.

GENERAL ORDERS, } WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
No. 240. } *Washington, August* 7, 1864.

* * * * * * *

4. Bvt. Maj. Gen. S. G. Burbridge is assigned by the President to the command of the military district of Kentucky, with his brevet rank, and is authorized to exercise, under Major-General Schofield's direction, all the powers of a commander of a department which are not required by law to be exercised by such departmental commander.

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant-General.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2615.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany memorial of citizens of Springfield, Mo., concerning the selection of site for a public building at said city.]

The Committee on Public Buildings and Grounds, to whom was referred memorial of 268 citizens of Springfield, Mo., introduced into the Senate on the 6th day of January, 1890, making certain allegations concerning the selection of site for a public building at said city, have considered the same, together with other communications upon the subject, making certain insinuations against the present Supervising Architect of the Treasury, J. H. Windrim, in connection with the matter, and respectfully report as follows:

The committee declined to review the judgment of the officials of the Treasury Department in the selection of a site at Springfield, Mo., or to take testimony relating thereto, except so far as it related to the administration of the Treasury Department, and the integrity of the Supervising Architect and other officials in the premises.

The committee, through a subcommittee appointed for the purpose, took a large amount of testimony, which is herewith reported to the Senate, and came unanimously to the conclusion that there is nothing whatever in the testimony, or in fact, which impeaches in any wise the capacity or integrity of Mr. Windrim, who seems in the matter to have been governed entirely by his judgment as to what would best subserve the public interest. The suggestion that he was unduly or improperly influenced by Mr. Kerens, Mr. Elkins, and others is not only *not* proven, but is overwhelmingly *disproven*. It rested originally upon mere rumor, and is by the concurrent and credible evidence of a large number of witnesses entirely overturned.

CONDUCT OF THE OFFICE OF THE SUPERVISING ARCHITECT OF THE TREASURY.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
UNITED STATES SENATE,
March 28, 1890.

The subcommittee charged with the investigation of the conduct of the office of the Supervising Architect of the Treasury Department met pursuant to call.

Present: Senators Spooner (chairman), Morrill, Squire, Vest, and Pasco.

The CHAIRMAN (Hon. John C. Spooner, of Wisconsin). On the 21st of December, 1888, the Senate passed the following resolution:

IN THE SENATE OF THE UNITED STATES,
December 21, 1888.

Resolved, That the Committee on Public Buildings and Grounds be, and the same is hereby, authorized and instructed to make, either by the committee or a subcommittee thereof, an investigation into the conduct of the office of the Supervising Architect of the Treasury Department as far as it may deem necessary, and to inquire into the laws, regulations, and customs relating to the erection of public buildings, and for that purpose the committee, or said subcommittee if appointed, is authorized and empowered to send for persons and papers and to administer oaths; said committee to report by bill or otherwise.

Attest:

ANSON G. MCCOOK,
Secretary.

Under that resolution a subcommittee proceeded with the investigation and took testimony, which was printed. On March 1, 1889, the Senate passed the following resolution:

IN THE SENATE OF THE UNITED STATES,
March 1, 1889.

Resolved, That the Committee on Public Buildings and Grounds is hereby authorized in pursuing the investigation ordered by the resolution of the Senate of December 21, 1888, in addition to the powers conferred by said resolution, to employ a stenographer and a messenger, to send for persons and papers, and have leave to sit during any recess of the Senate prior to December next, and to take testimony at any place in the United States.

That all the necessary expenses of said committee, or of any subcommittee thereof, be paid out, upon vouchers to be approved by the chairman of said committee or subcommittee, of the contingent fund of the Senate.

The committee is also authorized to cause its proceedings and the testimony taken before it to be printed from time to time as it may see fit.

Attest:

ANSON G. MCCOOK,
Secretary.

On January 27. 1890, the Senate passed the following resolution:

IN THE SENATE OF THE UNITED STATES,
January 27, 1890.

Resolved, That the Committee on Public Buildings and Grounds be, and it is hereby, authorized and directed to continue the investigation into the conduct of the office of the Supervising Architect, authorized and directed by resolutions of the Senate adopted, respectively, on the 21st day of December, 1888, and 1st day of March, 1889, and for the purpose of continuing said investigation the committee is clothed with the powers conferred upon it by said resolutions.

Attest:

ANSON G. MCCOOK,
Secretary.

Under this resolution the Committee on Public Buildings and Grounds appointed a subcommittee consisting of Messrs. Spooner, Morrill, Squire, Vest, and Pasco. That subcommittee meets to-day, March 28, 1890, and the chair submits the following memorial:

To the Congress of the United States of America:

Your memorialists respectfully represent that they are citizens of the city of Springfield and State of Missouri, and as such are deeply concerned in the business interests, future growth, and prosperity of said city.

That by the act approved October 2, 1888, the Secretary of the Treasury was authorized and directed to purchase or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States courts, post-office, United States land office, and the United States Signal Service, and for other Government uses in said city of Springfield, Mo.

That the late Secretary of the Treasury, after careful investigation and consideration, selected as a site for the said building a tract of land on the corner of St. Louis and Jefferson streets, in said city, which said land was located convenient to the business interests of said city, and very near the center of said interests, and said land was offered to the United States for the consideration of $1, the owners thereof being fully compensated from a fund subscribed therefor by a considerable number of the citizens of said city.

That upon representations, the character and extent of which your memorialists do not fully understand, the Secretary of the Treasury revoked his action in selecting the land above specified, and, against the earnest protests of your memorialists, selected other property for this purpose, that is to say, land at the corner of Boonville and Brower streets, in said city.

That the new site selected is greatly removed from the business center of said city, and will, if confirmed, subject ninety-five hundredths of the business interests of said city to great and permanent inconvenience, and will, your memorialists believe, be inimical to the best interests of said city.

That although the said new site is inconveniently located, and although the property previously selected is near the business center and was offered to the United States for $1, the United States, your memorialists are informed, have agreed to pay for the new site the sum of $20,000.

That your memorialists have at all times and on every occasion submitted earnest and respectful protests to the Secretary of the Treasury against the proposed change of location, accompanied by numerous statements of facts, without effect.

Your memorialists therefore respectfully pray that the matter of selection of site for said building be carefully investigated by the appropriate committee of your honorable body, and that your memorialists be permitted to appear before said committee and submit representations as to what they believe to be the best interests of the United States and of this city in this behalf, to the end that the wrongs complained of may be corrected by appropriate remedies.

And your memorialists will ever pray.

(Two hundred and sixty-eight signatures follow.)

Senator Vest read and submitted the following extract from a letter dated Washington, D. C., October 16, 1889, addressed to Hon. William Windom, Secretary of the Treasury, and signed and sworn to by A. R. Fearn, Ambrose J. Minard, and George A. C. Woolley:

The Department has already received our statements that the agitation which has kept our community in turmoil on this question for now nearly a year is the result of the direct and indirect personal and political influence of Mr. R. C. Kerens, Mr. B. F. Hobart, and Mr. Stephen B. Elkins.

None of these gentlemen are residents of Springfield, and no one of them but Mr. Hobart has ever been a resident of our city.

Their only interests there are speculative and alien.

Mr. Hobart's interests are centered in north Springfield. He owns a large amount of real estate in that part of the city, for which he is seeking a market.

He, with Mr. Kerens and Elkins, have a large amount of stock in and bonds of the street railway company connecting south and north Springfield.

To what extent Mr. Kerens and Mr. Elkins may be interested in the real estate interests of Mr. Hobart we are not fully advised, but we do know that their joint interests in Springfield and elsewhere are such as to make their interests in this controversy identical.

We have maintained this fact from the first. It is a fact so patent in our community as to be beyond dispute.

You will recall, Mr. Secretary, that in your last interview with our counsel in this matter, Hon. O. D. Conger and Mr. Rufus H. Thayer, previous to Mr. Windrim's visit, that these facts were the subject of comment.

This comment was in Mr. Windrim's presence.

Yet when making the visit to Springfield under your instructions, to make personal investigation of this strongly controverted question, wherein we had attacked directly, as we do now, the Kerens, Hobart, Elkins, non-resident interest, Mr. Windrim, on arriving at St. Louis, Mo., became the guest of these very men, and came from St. Louis to Springfield as their guest in the private car of the general manager of the Frisco Railway.

Whether or not such a conduct to the investigation and settlement of such a controversy affords hopeful ground for an impartial determination of the question involved on its merits we are quite willing to leave to the opinion of any fair-minded man.

It is sufficient to say that the occurrence has created a scandal in our community.

Mr. Windrim from the time of his arrival in the early morning was in the hands of his friends whose guest he was. He was not accessible to the citizens of south Springfield until 9.30 a. m., and when appeal was made to him to give them a careful hearing we were astounded by the announcement that he was to leave at 11 o'clock, one hour and a half from that time.

We deem it unnecessary to make any more than the bare statement of this fact.

The atmosphere to which he had subjected himself and the graceful hospitality he had enjoyed had apparently produced the full and intended effect.

The program of his hosts, to which he had assented, contemplated spending the rest of the day in a pleasure trip to Eureka Springs, and he had seriously proposed to leave the city after an examination made under the escort of these parties and without giving any hearing at all to the opposing interests.

You must bear in mind, Mr. Secretary, that the interests and the people thus proposed to be ignored are those of south Springfield, where more than ninety-five hundredths of the business of this city is located.

We submit that this indicates, what we believe to be the fact, that Mr. Windrim had allowed himself to be so influenced by the *ex parte* statements of his hosts that he deemed it unnecessary to hear the other side.

We confess our utter inability to explain the peculiar limitations of his program on any other theory.

Upon our earnest appeals, he with great reluctance gave up the proposed pleasure trip to Eureka Springs and turned his attention again to the important and serious business which called him to Springfield.

But apparently his conclusion had already been reached, and our arguments were made to unwilling ears.

The hearing then allowed to citizens of the south side (exclusively) was not extended over one hour, which was consumed in driving around south Springfield and in making such hurried comments as the short time permitted.

Senator VEST: These charges mean, if they mean anything, that there were improper influences brought to bear as to this location. That, as I understand, is the point.

The CHAIRMAN. Is it the opinion of the gentlemen of the committee that we are only to deal with questions and suggestions affecting the integrity of the action taken on this subject, and not to deal with the matter of judgment as to which was the better location, except so far as that is involved in the other?

Senator VEST. I think if they can show that there was such a gross abuse of power in the change of location as to affect the integrity of the official discretion, that would be competent in any court of justice.

The CHAIRMAN. I say, except so far as that is involved in the other.

Senator VEST. But I would not like to go into the general question as to which is the better location. Of course, in any investigation we are bound to get at all the facts.

Hon. O. D. CONGER. May I make a remark, Mr. Chairman, before the committee decides that point?

Senator VEST. I believe you appear here as the attorney for the citizens of South Springfield?

Mr. CONGER. Yes, sir.

The CHAIRMAN. The committee has no objection.

Mr. CONGER. Before determining that question I hope the committee will allow me to make this suggestion, inasmuch as I have been counsel for these gentlemen who asked this hearing. I think, and perhaps the committee may agree with me, that the denial and the refusal of the Supervising Architect to permit us, although instructed by the Secretary of the Treasury to do so, to see the papers in the presence of the Secretary, or in the presence of the Supervising Architect and the Secretary of the Treasury, have a bearing upon this case. From the very beginning, when it was learned that it was desirable to change the location, Mr. Thayer and myself, both in writing and verbally, repeatedly asked permission to see the public papers on file in this matter, as we had presented our own in print. We had supposed that the Secretary of the Treasury had given his assent to that, but the papers have never been shown. The motive, the reason, or influence that affected the determination of Mr. Windrim (for the Secretary left the matter with him) has never been presented to us, and they have never been able to give them. So I think it might be proper for this committee to determine whether in a public matter of this kind, affecting the interests of a large community, to take that state of facts into account, when two administrations had approved that locality. I remember, as a matter of fact, that when a member of the Committee on Post-Offices and Post-Roads of this body no doubt was entertained from the course the Senate had taken in many matters of the right of a committee of citizens to be informed to a reasonable extent as to the contents of public papers. In this case I understand that the Secretary admitted that such a thing would be proper.

But with all our efforts and repeated investigations I never yet, as the attorney representing the gentlemen who have come here from Springfield, have been able to see those papers. In the hearing before the Secretary of the Treasury the papers were brought in before him in a great bundle; that hearing was limited to about half an hour, and it was then said by Mr. Windrim "the papers are here;" but we never have had an opportunity of seeing them. And I may say before this committee that that is one of the considerations showing whether there has been fair play in this matter or not.

The CHAIRMAN. We will hear and consider anything that goes to show improper motives or undue influence in the change of the selection of the site at Springfield. We will hear and consider anything that goes to show an improper ministration of the office of the Supervising Architect in this respect or in any other. We will hear anything that tends to lay a foundation for a proposition to improve the methods of transacting business in the office of the Supervising Architect. But if there are no charges of corruption or any foundation for a fair criticism of the methods of conducting that office we simply do not want to go into the mere question of which is the better site for the public building.

Mr. CONGER. No, Mr. Chairman, but I think we ought to be allowed to prove that fact in connection with the fact that according to the opinion of almost all the business men of Springfield there is no question as to the best site, the most convenient place for the post-office building.

That does not go to the extent of imputing fraud, corruption, or anything of the kind, but I say we have the right to take advantage of want of good judgment on the part of the Supervising Architect, or whatever means produced this unfortunate result.

The CHAIRMAN. If there is no pretense that the Supervising Architect was subject to undue influence, if the only question is whether he was wise or not in selecting the site for the public building at Springfield, Mo., I should say for one that we would not go into that. I can see very readily that the impropriety or unwisdom of his action may have been so marked in connection with other things that it would have a bearing on the question of motive, and might be competent in that line in that view.

Senator VEST. To show a gross abuse of his official discretion.

Mr. CONGER. There is a bill pending in the House, and perhaps here, asking for an increased appropriation.

Senator VEST. That bill is before us now.

Mr. CONGER. When that bill comes before this committee for consideration, whether in this investigation or not, and the question arises whether this committee, in the line of economy, will recommend an additional appropriation of $25,000 or $30,000—I forget exactly what the bill calls for—I think it will be proper that this committee should see by what means they are asked to give $20,000 for land when they can get a better place, as we claim, for nothing.

Senator VEST. All that, as a matter of course, is connected with the question whether there has been any abuse of official discretion or improper influence.

Mr. CONGER. We want to show that there must of necessity have been some curious motives, which we can not get at, and which do not appear to us from any papers that we have ever seen, to lead to this change of locality.

The CHAIRMAN. I say anything that tends to show a bad motive or undue influence on the part of the Supervising Architect is legitimate evidence. It will be easy enough, I think, to say within what fair limits the investigation should be conducted.

Mr. CONGER. We do not want to go beyond what the judgment of the committee will be.

The CHAIRMAN. Who is your first witness?

Mr. CONGER. Judge Thayer is the leading counsel in this case, and he wishes to address the committee.

Mr. RUFUS H. THAYER. The committee are aware, Mr. Chairman, that the order for this present hearing was made only on last Saturday week. Counsel communicated that fact by wire to these gentlemen who live in Springfield. But the time has been so short that only a small part of the gentlemen who will be present and who are earnestly interested in this matter have yet arrived. Two of the gentlemen are present and are ready to give their testimony before the committee. What I wanted to ask the committee is that at their present sitting, if possible, after its conclusion to-day, they may fix upon some subsequent date at which these gentlemen, who are all men busy with their engagements, shall be able to meet the committee again, not earlier than next

Wednesday, if possible? I submit that to the committee merely as a suggestion.

The CHAIRMAN. We will fix a date at which we will adjourn.

Mr. THAYER. I will ask Mr. G. A. C. Woolley, of Springfield, to take the stand as a witness.

TESTIMONY OF G. A. C. WOOLLEY.

G. A. C. WOOLLEY, sworn and examined.

By Mr. THAYER:

Q. You are a resident of Springfield, Mo., are you?—A. Yes, sir.

Q. What relation do you bear, if any, to the selection of any site for a public building in the city of Springfield? I mean to ask what your relations were, in the first instance, as to any action on the part of the Department looking to a selection of a site?—A. I was one of the members of the firm that made the proposal to the Secretary of the Treasury for the site; in other words, I put in the application, or the bid, for this present location.

By the CHAIRMAN:

Q. For the one now?—A. The one in controversy at this time, in South Springfield.

By Senator VEST:

Q. You mean the first location?—A. Yes, sir; it was the original location.

By Mr. THAYER:

Q. You submitted that bid in response to an advertisement made by the Secretary of the Treasury, or the Supervising Architect, inviting bids for that purpose?—A. Yes, sir.

By the CHAIRMAN:

Q. Have you a copy of that advertisement with you?—A. I have not; it may be among the papers. It was advertised for thirty or sixty days. The applications were put in writing, opened by the postmaster at Springfield, and then acted upon by Mr. Fister, the agent for the Treasury Department.

By Mr THAYER:

Q. Did you act as representative of your firm exclusively, or did you represent any public body of citizens, in making that tender?—A. The tender of the location was made at the solicitation of a large number of our business men in Springfield. We owned only a portion of the site. The advertisement required that the site should be 145 feet on one street and 100 feet on the other, if on a corner; if in the center of a block, it was to be 100 feet by 185. This location that we represented was on the corner, and was 100 feet by 145. We owned the inside portion. We made an arrangement with the parties owning the corner—they had 41 feet by 100—that they should put a price upon it so that we could incorporate it in our proposal to the Supervising Architect. The citizens made up a purse in order to pay us and these other parties for the amount of land the Government should take provided the site was accepted.

Q. At what price was that site offered?—A. That site was offered at $1.

Q. What was the value of that property—the fair market value?—A. The fair market value there would be from $23,000 to $24,000.

By the CHAIRMAN:

Q. What amount was raised by the citizens to pay for it?—A. The entire amount.

Q. Twenty-three thousand dollars or $24,000?—A. Yes, sir.

By Mr. THAYER:

Q. What information, if any, did you receive as to the acceptance or non-acceptance of your proposal?—A. We received a notice from Secretary Fairchild that our site had been selected. Then we prepared the title. I have with me here a letter from Attorney-General Garland, in which he gives us some instructions as to how to prepare the title.

Mr. THAYER. I tender that letter in evidence, Mr. Chairman.

The letter referred to was read in evidence as follows:

DEPARTMENT OF JUSTICE,
Washington, February 19, 1889.

SIRS: In response to your inquiry in regard to abstract of title to property selected for the site of a public building to be erected in Springfield, Mo., I beg to state that it is desired that the abstract be accompanied by certified copies of the documents referred to therein, and that the expense of obtaining such copies will be borne by the United States, should the title be approved.

I am, sir, very respectfully,

A. H. GARLAND,
Attorney-General.

Messrs. WOOLLEY, PORTER & HUBBELL.

By the CHAIRMAN:

Q. That site was accepted, was it?—A. Yes, sir; by Secretary Fairchild.

Q. On the report of Mr. Fister?—A. Yes, sir.

By Mr. THAYER:

Q. And you prepared and forwarded abstracts of title?—A. We prepared the title, and the title was sent here to the Treasury Department, and was examined by the Attorney-General; Judge Bentley, I think, was the examining attorney. That title was approved as valid. It was sent over to the Treasury Department, and on the 26th of March, Mr. Windom, Secretary of the Treasury, notified me that the title appeared to be valid and that formal action would be taken looking to putting that title on record. That letter I have here.

Mr. THAYER. This is the letter, dated March 26, 1889, and signed by W. Windom, Secretary of the Treasury.

The CHAIRMAN. Do you desire to put that in?

Mr. THAYER. I do.

The letter was read in evidence, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 26, 1889.

GENTLEMEN: I have to advise you of the receipt from the Attorney-General of letter of the 23d instant, transmitting abstract of title and other papers covering property situated on the southwest corner of St. Louis and Jefferson streets, having a frontage of 145 feet on the former and 100 feet on the latter street, selected as a site for the public building to be erected at Springfield, Mo.

Before completion of the transfer to the Government of the property in question, in the opinion of the Attorney-General, it will be necessary for the district attorney, under whose charge the papers were prepared, to obtain certain information and perform certain duties, which action he will be at once requested to take, and upon indication from him of a compliance with the requirements of the Attorney-General, a formal transfer of the property to the Government will be effected, and action taken looking to a compliance with the requirements of the act of Congress authorizing the erection of the building in question.

Respectfully, yours,

W. WINDOM,
Secretary.

Messrs. WOOLLEY, PORTER & HUBBELL,
Springfield, Mo.

Q. What further steps were taken in the way of perfecting title?—A. The title remained in that condition until some time in August; I think about the 19th of August.

Q. Of what year?—A. 1889. There was no defect in the title that we had any knowledge of, and the title papers remained in the hands of the Secretary of the Treasury and are still there; they never have been returned by the Secretary.

Q. When you say title papers, what do you mean?—A. I mean the deeds from Woolley, Porter & Hubbell.

Q. To the Secretary of the Treasury?—A. To the Government of the United States. Then there was the other portion from the Scott Investment Company to the United States; the two parcels of ground making an entire frontage of 145 feet on St. Louis street. That covered the number of feet called for by the advertisement of the Treasury Department. Those title papers, as I understood, passed through Judge Bentley's hands, and he passed them as valid, and they have since remained in the hands of the Secretary.

By the CHAIRMAN:

Q. These deeds?—A. Yes, sir; and from that day to this at any time they could have put those papers on record, and they would have had a perfect title. We learned later that there was some little delay, some hitch in the matter, and came on here to ascertain what the trouble was. The reason of our being desirous of coming here to ascertain what the cause of the delay and trouble was, was not a matter of speculation on our part, because we had no ground left after we gave this site to the Government and made a deed for it; nothing that would be benefited one way or the other by the erection of a Government building on that site. For that reason we simply came here at the solicitation and at the expense of citizens of Springfield, to look after the matter and hurry it up.

Q. When you say "we" whom do you mean?—A. Three of us came here. Mr. Hubbell, a member of our firm, was here one time; the second time I was here with a gentleman named Peale; and Mr. Minard, A. R. Fearn, and myself were here a third time. After coming here, I think it was the second time, we found that something had been filed here in the nature of affidavits or petitions tending to show that the site was not properly located. Those petitions or affidavits had been filed by parties interested in the Scott Investment Company, who were living on the extreme northern limits of the city. We attempted then to ascertain what the trouble was, and we finally learned that they had alleged some fraud in the character of the conveyance from the Scott Investment Company to the Government of the United States.

Q. What was the nature of the fraud alleged?—A. I do not know anything about that. I never saw the papers, and never have been able to see them. The matter then was referred to District Attorney Kimball, of the western district of Missouri, for investigation. That was on or about the 19th of August, 1889. Mr. Kimball came to Springfield to investigate it, and gave us this notice. During the progress of his investigation he agreed to see the officers of the Scott Investment Company and ascertain what they would do in the premises. Instead of being a question of fraud, it was a question of compensation that seemed to be troubling them, as you will see by the postscript to that letter.

The CHAIRMAN. Do you desire to put this letter in evidence?

Mr. THAYER. I do.

The letter was read in evidence as follows:

SPRINGFIELD, Mo., *August* 19, 1889.

GENTS: Please have the kindness to send me at once the description of each tract of land owned by separate owners comprising the location of the public building and all the owners of the same and the mortgagees thereof of each tract.

Send the same to Nevada to me at your earliest convenience.

Yours, truly,

E. E. KIMBALL,
United States Attorney.

Messrs. WOOLLEY, HUBBELL & PORTER,
City.

P. S.—I have seen Messrs. Ramsey and King and they say that the Scott Investment Company will not part with their property for less than $12,000, so I think that the proceedings to condemn will have to go on. I go to Kansas City and will be at Nevada the next day and you can mail me there what I wish.

The WITNESS. I might say, in explanation of that, that the contract we made with the Scott Investment Company was for the sum of $8,000. They were satisfied with that amount, and they made their deed in that way to the Government of the United States. There was no complaint then as to the compensation that they were to receive until these later papers were filed, that is, the papers from the north end of the city, asking that Mr. Kimball be instructed to investigate their title. This shows that they did not allege any fraud at any time, but that they simply became dissatisfied between the time they made the deed (the time when they had agreed to accept $8,000) and the time of Mr. Kimball's arrival there; then they were willing to make the trade if they could get $12,000.

Q. Before the transaction was completed and title accepted they raised their price from $8,000 to $12,000?—A. Yes, sir; that is it exactly.

By Mr. THAYER:

Q. The deed from the Scott Investment Company was already in the possession of the United States?—A. Yes, sir; and had been.

Q. How long had it been in their possession?—A. It had been there from the 23d or 24th of February, and is still in the possession of the United States.

Q. I have understood you to mention some date in August when you arrived here, either upon your first visit or your second visit; what further proceedings occurred?—A. The matter was referred to Assistant Secretary Batcheller to investigate; and finding that there was some little opposition in the matter (we could not tell exactly what) we applied to Assistant Secretary Batcheller to have the entire property condemned, and we assured the Secretary that we would furnish a sufficient bond to indemnify the Government against all loss, either by way of costs of the condemnation proceedings or in the value of the property. We had the opinion at that time of Judge McCrary, who telegraphed me that the Government could proceed with the condemnation proceedings and get a good title, and that the citizens of Springfield could indemnify the Government against loss. I went home and the proceedings were commenced to condemn it.

By the CHAIRMAN:

Q. At your request?—A. Yes, sir; in order to obviate the hitch that there was in securing the title of the Scott Investment Company on account of the increased price.

By Mr. THAYER:

Q. Did you submit this request as representing any individual interest?—A. We submitted that in behalf of the people of Springfield. As I said before, we had no interest in it further than to accommodate the people. We have only represented the Springfield people.

By the CHAIRMAN:

Q. Was your application in writing?—A. Yes, sir.

Q. With the proffer of a bond?—A. Yes, sir.

Q. Have you a copy of that application?—A. No, sir. The bond is still on file with the district attorney's papers in the office of the district attorney for the western district of Missouri, I presume; the papers have never been returned.

By Mr. THAYER:

Q. When was the order of the Secretary of the Treasury as to the condemnation proceedings?—A. I could not tell you exactly the date, but I can give you in the neighborhood of it. It was in the neighborhood of the 6th day of August.

Q. Did you receive any written advices as to the fact that such an order had been made?—A. Yes, sir.

Mr. THAYER. I offer the letter addressed by the Acting Secretary of the Treasury to Woolley, Porter & Hubbett, August 6, 1889.

The letter was read in evidence, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 6, 1889.

GENTLEMEN: In view of the opinion rendered by the honorable the Attorney-General under date of June 29, 1889, in accordance with law, holding that, in view of the status of the case, the deed of the parcel of land owned by the Scott Investment Company, being a part of the property selected as a site for the proposed public building in Springfield, Mo., is insufficient to pass a good and valid title to the United States, and that unless said company voluntarily consent to execute a satisfactory deed and to release said parcel of land from all incumbrances, the only way in which title to the property referred to can be acquired would be by condemnation, and as it appears from the affidavits inclosed in letters of the 31st ultimo and 2d instant, addressed to this Department by Mr. James W. Silsby, clerk of the United States district court, that said company have refused to voluntarily execute such a deed, Department letter dated January 10, 1889, accepting your proposal for the sale to the United States of the property situated at the southwest corner of St. Louis and Jefferson streets, having a frontage of 145 feet on St. Louis and 100 feet on Jefferson streets, for the purpose hereinbefore specified, is hereby canceled and all obligations thereunder are hereby annulled and released.

In this connection, I have to inform you that the Department has decided to acquire title to the property above described by condemnation, and has this day requested the honorable the Attorney-General to give such instructions to the United States attorney for the western district of Missouri as may be necessary to institute proceedings in condemnation against said property and to advise this Department of the result thereof.

Please acknowledge the receipt of this letter.

Respectfully yours,

GEORGE C. BATCHELLER,
Acting Secretary.

Messrs. WOOLLEY, PORTER & HUBBELL,
Springfield, Mo.

Mr. THAYER. I submit in connection therewith a letter which seems to be a statement on the part of the Acting Secretary, that these proceedings were legally proper.

The letter referred to was read in evidence as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 6, 1889.

GENTLEMEN: Referring to Department letter of this date advising you of the action taken by this Department in regard to acquiring title to the property selected as a site for the proposed public building in Springfield, Mo., by condemnation, and in

reply to a letter of the 25th ultimo, addressed to this Department by Mr. George A. C. Woolley, of your firm, and Mr. G. P. Peale, I have to advise you that there is no legal objection to your paying the costs and damages which may accrue and be awarded in the proceedings instituted for the condemnation of said property, which you have proposed to do.

The honorable the Attorney-General has this day been requested to give such instructions to the United States attorney for the western district of Missouri as may be necessary to have you pay such costs and damages in said proceedings in condemnation.

Respectfully yours,

GEORGE C. BATCHELLER,
Acting Secretary.

Messrs. WOOLLEY, PORTER & HUBBELL,
Springfield, Mo.

Q. Were proceedings for condemnation instituted?—A. Yes, sir. Proceedings were commenced, and all parties to the title were notified to appear in chambers before Judge Phillips, at Kansas City, on, I think, the 17th of September, to show cause, if any, why the condemnation proceedings should not be proceeded with. A few days before that date District Attorney Kimball received notice to stop proceedings.

Q. Did you receive any notice of that fact?—A. I think we did; yes, sir.

Q. Is this the communication on that subject [handing witness a letter]?—A. Yes, sir.

Mr. THAYER. I offer that letter in evidence.

The letter referred to was read in evidence as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 6, 1889.

GENTLEMEN: Referring to Department letters, addressed to you on the 6th ultimo, in regard to matters pertaining to proceedings in condemnation against the land situated on the corner of St. Louis and Jefferson streets, in your city, I have now to advise you that, after further consideration of the case, the Department, on the 5th instant, requested the honorable the Attorney-General to immediately telegraph such instructions to the United States Attorney for the western district of Missouri as may be necessary to have him secure the suspension of said proceedings until further advised.

Respectfully, yours,

GEORGE C. BATCHELLER,
Acting Secretary.

Messrs. WOOLLEY, PORTER & HUBBELL,
Springfield, Mo.

Q. When you received that communication what further steps, if any, were taken by the citizens of Springfield, whom you represented, in relation to the latest action of the Secretary of the Treasury?—A. There was a committee of three appointed, the same committee that produced this pamphlet that has been before the committee to day.

Q. Who were they?—A. Mr. Andrew J. Minard, Mr. A. R. Fearn, and myself. We came on here to Washington to find out the result of the investigation by Mr. Kimball as to whatever these charges may have been in reference to the Scott Investment Company's title to 41 feet of the 145.

Q. This was subsequent to the revocation of the order for condemnation?—A. Yes, sir.

Q. Now what did your committee do on their arrival here?

The WITNESS. Does your question cover information as to what occurred after the investigation was held by Mr. Kimball and the papers sent on here?

Mr. THAYER. After the order made by the Secretary of the Treasury, which has just been read, suspending proceedings in condemnation, your committee (consisting of the gentlemen whose names you have given) came to Washington. What did you do after your arrival here?

A. We came here for the purpose of ascertaining the contents of Mr. Kimball's report and attempting to ascertain why the condemnation proceedings had been suspended in the manner in which they were. We then applied to Mr. Windrim for the papers and documents in the case, that we might answer them intelligently. Those documents and papers were refused.

By the CHAIRMAN:

Q. What particular papers did you apply for?—A. We applied for all the papers that had been filed for a site either in the north end or the south end.

Q. All papers in that connection?—A. Yes, sir; in connection with that case.

By Mr. THAYER:

Q. Did you yourself, or did any one in your behalf, make any presentation of statements or requests to the Secretary of the Treasury with reference to having a reinvestigation made as to the proper location?—A. Yes, sir; yourself and Senator Conger made such representations to the Secretary of the Treasury.

Q. What was the order of the Secretary of the Treasury upon that request?—A. My impression is that you addressed the Secretary a letter asking permission to see the documents in this case.

Q. No; what order, if any, did the Secretary make? Was anybody directed to visit Springfield?

The CHAIRMAN. If you have the letter, the letter will be the best evidence.

The WITNESS. The Secretary of the Treasury said that the Supervising Architect should be sent out there and the matter fully investigated before anything further was done with it. Then Mr. Windrim, the Supervising Architect, was ordered to proceed to Springfield and investigate the matter. We at once returned home. Our attorney notified us on some day in the early part of October that Mr. Windrim would leave Washington for Springfield on a certain day. We then noticed the next morning, or the morning of the day after, a telegram in our local paper, sent from a point on the Frisco railway between St. Louis and Springfield, 35 miles west of St. Louis, dated at 11.50 o'clock in the night, to the effect that Mr. Windrim would be at Springfield the next morning for the purpose of investigating the public building location. We knew nothing about it directly from him until we happened to see that item in the morning paper. We went down town and began to look about to get our committee together to visit Mr. Windrim and extend to him the hospitality of the city, to show him around, and to give him an opportunity of visiting and knowing our people and having talks with them, so that he could intelligently form an opinion as to the proper location.

Q. That notice in the morning paper was on the morning of Mr. Windrim's arrival, as I understand?—A. Yes, sir. The telegram was dated at Pacific, a station 35 miles west of St. Louis on the Frisco road, and the hour was 11.50 in the night. Of course that came out in the next morning's paper.

By Senator VEST:

Q. A Springfield paper?—A. Yes, sir. After getting our carriages together and our committee together to go to wait on Mr. Windrim and ascertain when it would be convenient for him to meet our citizens, we observed that he was being driven over the city in the hands of Mr. Hobart, Mr. Kerens, Mr. Elkins, Mr. Bentley, and some other parties. Mr. Bentley is a banker in Springfield in the north end.

By Mr. THAYER:

Q. Were those gentlemen you name opponents of the former location?—A. Yes, sir.

Q. Are they residents of the city of Springfield?—A. Mr. Hobart has been a resident there; Mr. Bentley is a resident; Mr. Kerens is a resident of St. Louis; and I think Mr. Elkins is a resident of New York. But it is understood with us that Elkins, Hobart, and Kerens own the Belt-Line of street railway, or have a majority interest in it, passing from one portion of the city to the other; that is, from North Springfield to South Springfield.

Q. Be kind enough to state to the committee at this point the geographical relation which one end of the town, North Springfield, so called, bears to South Springfield?—A. What is known as South Springfield is the original old corporation, which was located as far back as 1839. North Springfield is where a town was located at the completion of the Frisco Road to that point, in 1870. The two towns are a mile and a half apart. But since the location of North Springfield there have been scattering residences erected between the two points. This belt-line I speak of traverses from the north end to the Public Square in the south end, a mile and a half, and back again.

By the CHAIRMAN:

Q. On the main street?—A. On two of the main streets; it comes on one and goes back on the other.

Q. How is the population divided between the two parts of Springfield?—A. The north end, taken by itself, contains about 2,500 population, against 8,000 or 10,000 in the other end. The two points formerly had separate municipal governments, but they were finally consolidated, and now they form one city; so that the population of the whole city at the present time is in the neighborhood of thirty-odd thousand people.

By Senator PASCO:

Q. Thirty thousand in the consolidated town?—A. Yes, sir.

By the CHAIRMAN:

Q. Where is the principal business done?—A. The principal business is done about the public square, in the south end; ninty-five hundredths of the business in the city of Springfield is prosecuted there.

Mr. CONGER. Let him state where the proposed building is to be with reference to the square.

The WITNESS. The extreme outside limit of the site on the corner of St. Louis and Jefferson streets is about 500 feet from the public square. The site that has been selected here recently by Mr. Windrim, after his visit there, is about a half a mile north of the public square.

Q. (By the CHAIRMAN.) Where is the present and prospective development of the city from the stand-point of today?—A. Around the public square, more to the southwest than to the north, in the direction of the present location of the building.

By Mr. THAYER:

Q. Proceed with your statement to the committee with reference to your meeting with Mr. Windrim and the circumstances connected with your statements to him during his visit in Springfield.—A. As I said, we discovered Mr. Windrim and Mr. Dapray, his law clerk, in two carriages riding around the city. This was about 8.30 in the morning. We got our carriages and citizens together, and we determined to go over to his hotel, in the north end, and there communicate with him and find out at what hour during the day it would be convenient for him to meet citizens of the south end. In going over there we discovered there was quite a crowd, not quite half way between one end of the town and the other, and we drove by them, and there we found Mr. Windrim. Then I drove up to his carriage, jumped out, and shook hands with him, and asked him when it would be convenient for him to visit our end. He said he had been all over the city; that he did not know that it was necessary that he should go over it again from that stand-point; that he was under engagement to go away at 11 o'clock, at least that the committee that he was with had engaged to go away at 11 o'clock. Then we told him that it would be impossible for us to fairly set him straight in the matter unless he gave us a little time.

By Senator VEST:

Q. You spoke of a committee he was with; what committee?—A. It was his friends, Mr. Hobart, Mr. Bentley, and all the rest of them.

By the CHAIRMAN:

Q. Why do you call them a committee?—A. Because he came with them from St. Louis in their private car.

Q. Would that make them a committee?—A. No; but they constituted themselves a committee in order to bring him there.

Q. All you mean to say is that he was with those gentlemen?—A. He was with those gentlemen, and it has been stated there very positively by Mr. Hobart that Mr. Windrim would never get into that town without his getting with him, and he should be very careful that he did get with him.

By Mr. THAYER:

Q. Did Mr. Windrim consent to remain?—A. He reluctantly consented to give us an hour at 2 o'clock that afternoon. Then we drove over to the hotel, our committee of twelve in our carriages, and we took Mr. Windrim in a carriage and drove him around the southern portion of the city.

By Senator VEST:

Q. You say he reluctantly consented to give you an hour at 2 o'clock that afternoon?—A. Yes, sir.

Q. Did he do that of his own motion, or did he consult with anybody before he consented?—A. He did it of his own motion.

Q. Did anybody else participate in the conversation?—A. I think not. Mr. Hobart was standing alongside of Mr. Windrim when I first approached him, and then Mr. Hobart stepped back.

Q. How did Mr. Windrim manifest his reluctance?—A. By stating that there was an arrangement for his leaving there at 11 o'clock.

By Senator VEST:

Q. Where did he say he was going?—A. I do not think he said. The engine and train were ready to go to Eureka Springs.

By Mr. THAYER:

Q. What reason have you to think he was going to Eureka Springs?—A. The engine was coaled and fired up, with a special car attached, and stood on the track ready to take them there.

By Senator VEST:

Q. What connection did Hobart, Elkins, and Kerens have with Eureka Springs?—A. Eureka Springs has a very handsome hotel with which the 'Frisco Railway is connected. It is a very nice point to go to. Mr. Powell Clayton was also a member of the party.

Q. Was he there?—A. Yes, sir; he was one of the owners of the Eureka Springs Hotel and was one of the owners of the Eureka Springs Railway, and he was a member of that party.

By the CHAIRMAN:

Q. How did Mr. Windrim, if at all, indicate his purpose to go to Eureka Springs? Did he say he say he was going there?—A. He did not say he was going to Eureka Springs, but he said he had an arrangement to leave at 11 o'clock. This party was going to leave at 11 o'clock to go to Eureka Springs; they had an engine all coaled up, the engineer upon it, and everything ready to go.

Q. And it is upon that ground that you assumed he was going to Eureka Springs?—A. Yes, sir.

By Senator SQUIRE:

Q. Did you go round with Mr. Windrim?—A. Yes, sir; at 2 o'clock.

Q. Did he give you a fair chance to explain to him everything that was necessary?—A. We simply showed him around the southern portion of the city, and he stated to me once or twice during the ride that it was hardly necessary to drive him over that particular part of the city again as he had been over that part already, in the morning.

Q. How much time did he spend with you?—A. I can hardly remember. We had arranged for a meeting in the chamber of commerce in the south end, where the merchants and wholesale men could meet him and tell him what their business interests were, and why they wanted the location at that end.

By the CHAIRMAN:

Q. Had not their views been already presented to the Department by petition, or otherwise, in some way?—A. No, sir. When we drove back on the public square we found that the citizens had congregated to such an extent that they filled the hall of the chamber of commerce so that Mr. Windrim could not get in, and some of our folks had locked him out. You see there was a feeling between one end of the town and the other, and it was bitter.

Q. Did he go in to the chamber of commerce meeting?—A. No, sir; we drove up to the door and these citizens gathered around him, and I think Mr. Windrim was a little excited, and I think he feared there might some harm come to him if he went in there.

Q. He went there for the purpose of meeting those people at the chamber of commerce?—A. Yes, sir; that is what we drove him up there for. Some gentlemen stepped up to the carriage and said that there was to be a meeting at the opera-house, half a mile off. Mr. Windrim then said he must go to the opera-house, where there would be an opportunity for all to get in. I told him that just as soon as the citizens in the chamber of commerce hall had an opportunity to leave there and time to walk over to the opera-house we would drive him over.

He said, "If you don't drive me over now I will walk," and he attempted to get out. I told him that he need not be alarmed, that we did not propose to have any steps taken that would intimidate him in any way.

By Senator VEST:

Q. And so you went to the opera-house?—A. Yes, sir; we drove over to the opera-house, and left him there. There was such a feeling existing between the citizens of the south end and the citizens of the north end in regard to this matter that the citizens of the south end refused to go over there, but the north-end citizens did go there, and we took a vote there to find out whether the majority of those present in the opera-house wanted the north end or a central location in the south end; and the majority was slightly in favor of the north end, for the reason that our people had not gone over there.

By the CHAIRMAN:

Q, You do not charge that to Mr. Windrim?—A. It was under those circumstances that that occurred.

Q. He was willing to meet with the citizens at the chamber of commerce, and went there.—A. I do not think he cared to go there. He went to the building, but did not get out of the carriage and did not want to go up there.

Q. It was crowded and locked so that he could not get in.—A.. A way would have been opened for him if he had expressed a willingness to go in.

Q. Who proposed that he should go over to the opera-house?—A. He did himself, and we went over there with him.

By Mr. THAYER:

Q. Was there any demand made for what was called a mass meeting on the part of anybody?—A. As I told you a few moments ago there was a demand made by the citizens surrounding the carriage in which he and I were that we should go over to the opera-house.

Q. Were they residents of the north end or the south end?—A. They were residents entirely of the north end.

By the CHAIRMAN:

Q. Where was the carriage at the time—in front of the chamber of commerce?—A. Right opposite the chamber of commerce, yes, sir.

Q. Where is that located?—A. On the corner of St. Louis street and the public square in the south end.

Q. Did Mr. Windrim know where those citizens around the carriage resided, whether in the north end or the south end?—A. He might have known because Mr. Bentley, who was with him in the morning, was alongside of the carriage demanding that Mr. Windrim go to the opera-house.

Q. Therefore, you think he should assume that they were all citizens of the north end?—A. I don't know whether he would assume that or not, but I told him so.

By Senator SQUIRE:

Q. Did you tell him then and there?—A. Yes, sir; in the carriage.

Q. In front of the building?—A. Yes, sir.

By the CHAIRMAN:

Q. Everybody had an opportunity to go to the opera-house?—A. There was an opportunity to go if they would; we waited there long enough, and I asked Mr. Hubbell, a member of our firm, to go into the

chamber of commerce hall and tell the people gathered there that Mr. Windrim wanted to go to the opera-house, and to notify them to come over there. When that notice was given them they would not go; they said it didn't make any difference; that they would have no fair showing.

By Senator SQUIRE:

Q. The excitement ran pretty high?—A. Yes, sir.

Q. You say Mr. Windrim appeared to be excited?—A. Yes, sir; but I told him he was in our care and he should not be molested at all in any way.

By the CHAIRMAN.

Q. He would be protected?—A. Yes, sir There were four of us in the carriage; they were all able-bodied men; I was the smallest of the number.

By Mr. THAYER:

Q. What was the purpose of the meeting in the chamber of commerce? I think you have stated that it was to give Mr. Windrim an opportunity to meet the business men?—A. Yes, sir. I explained to him on the way there that the feeling was high.

By Senator VEST:

Q. The 'Frisco Railway has its shops in the north end?—A. Yes, sir.

The committee adjourned to meet at 10 o'clock to-morrow morning, March 29, 1890.

SATURDAY, *March* 29, 1890.

The subcommittee met pursuant to adjournment. Present, the chairman (Senator Spooner), and Senators Morrill, Vest, and Pasco.

TESTIMONY OF G. A. C. WOOLLEY—Continued.

By Mr. THAYER:

Q. At the time of the adjournment, yesterday, you were explaining to the committee the motive for the meeting of citizens of the south side of Springfield at the chamber of commerce. I would like to have you explain to the committee a little more fully than you did the purpose of that meeting.—A. I made the statement to Mr. Windrim, when meeting him in the morning, that the feeling between the citizens of the north end and of the south end was of such a nature that it would be better and more pleasant for him if he would arrange for a meeting at the chamber of commerce at the south end, which he not only consented to do, but arranged the hour for 2 o'clock. We met him and took him out in some carriages to show him our portion of the city, and in the progress of that ride he remarked that it was useless to go over the same ground again that he had already seen in the morning In the mean time, while we were out on that ride, our people had opened the chamber of commerce room, and notified the citizens that Mr. Windrim would be there in a short time. While these things were going on we got wind of the fact that the people of the north end were attempting to congregate in the chamber of commerce rooms and prevent our men-

chants and business men from the south end from seeing Mr. Windrim; that they were going to crowd him out of the hall.

By the CHAIRMAN:

That was nothing that Mr. Windrim was responsible for, was it?—A. No, sir. I am just telling you how the meeting happened to be changed from the chamber of commerce room to the opera-house. When we drove up to the door of the chamber of commerce we found the door had been locked, for the reason that they wanted to exclude the people from the north end and give our people an opportunity to get in there before the people of the north end filled up the hall. The north end people crowded around the carriage and said that they had been deprived of a chance of meeting Mr. Windrim there; and the other party——

Q. That is, they complained that they had been kept out of the chamber of commerce room?—A. Yes, sir. Our people wanted an opportunity to see Mr. Windrim and talk with him fairly, as the other people had had him in the morning.

By Mr. THAYER:

Q. Did Mr. Windrim insist upon being taken to the opera-house?—A. Yes; he insisted upon being taken to the opera-house.

Q. And you did go to the opera-house?—A. We drove over to the opera-house.

Q. What was the character of the meeting that was held there?—A. It was a boisterous meeting and did not represent anything more than simply a mass of citizens, and was largely composed of citizens of the north end.

Q. You stated yesterday, I think, in your testimony that some of your business men in North Springfield, after the disturbance, came to the determination not to hold any meeting in the chamber of commerce, but to go to the opera-house; was there any good reason for that?—A. They felt——

Q. I want the fact.—A. They felt this way: that the people of the north end had been drummed out, and they were out en masse, and that it was useless for them to go over to the opera house; that there was nothing there that they cared to join in, because they wanted to talk over the matter of business, and convenience of location, with Mr. Windrim, and that that character of meeting would do no good, and so a large portion of them remained away.

Mr. THAYER. Now, Mr. Chairman, I have here what purports to be a map, on a small scale, of the whole city of Springfield, indicating the two aggregations of business houses. I would like to have this witness identify the map.

The CHAIRMAN. You may make such indentification of it as you choose.

Mr. THAYER. Here is also another map which shows the city of South Springfield, indicating what will be sworn to by this witness.

The CHAIRMAN. Does this indicate all the buildings now in North Springfield?

Mr. THAYER. In South Springfield.

By Senator VEST:

Q. Is this the railroad [pointing on the map]?—A. This [indicating] is the Kansas City, Fort Scott and Memphis Railway, and this is the belt line of the Frisco Road.

Q. Where is the first location of the public building?—A. The first location is right there [indicating]; there is the public square.

By Mr. THAYER:

Q. What is indicated by these red colors?—A. The mercantile buildings only.

Q. What is the character of these buildings? Are they brick?—A. They are all brick.

Q. All of that color are brick?—A. Yes, sir.

Q. Are there any other houses in those localities?—A. There are some frame houses; for instance, there is a gap in the colors, that means that in that gap there are frame houses. This is simply a map to indicate the portion of the city occupied by brick buildings and business houses.

By Senator VEST:

Q. Is this a street railroad?—A. That is the belt line, which comes around this way and goes north.

By the CHAIRMAN:

Q. Have you a map, prepared in the same way, showing the improvements in North Springfield?—A. No, sir; I do not know that there is one in existence.

By Mr. THAYER:

Q. Who prepared this map?—A. It was prepared by Paul Roulet.

By Senator VEST:

Q. Where is the proposed location?—A. About two blocks further north than this map shows.

Q. It is not shown on this map?—A. No, sir. In our testimony before the Secretary of the Treasury, we showed that in the last twenty years the business of the city had not progressed northward more than 60 feet, and there you see the 60 feet indicated right there. From that point on up to here [indicating] there is not a business house of any character at all.

Q. Are there any business houses around this new location?—A. The opera house is on one side of the street; the city hall, rented by the city council, and a store building are on the opposite side from that; that is all.

Q. What do you mean by the city hall?—A. The place where the city council meet—the council for the whole city.

By the CHAIRMAN:

Q. For North and South Springfield?—A. The whole city.

By Senator PASCO:

Q. What is the distance from that point [indicating] to the proposed building?—A. I should judge about a mile.

By the CHAIRMAN:

Q. Where is the present post-office?—A. Right there [indicating]; I mark it.

By Mr. THAYER:

Q. How far is it from the public square to Commercial street?—A. About 1½ miles.

Q. And the business of North Springfield is how placed?—A. It is placed along the line of Commercial street.

Q. How far south from Commercial street does the business extend in North Springfield?—A. There is no extension of business south ex-

cept one street, on Booneville street, not to exceed 150 feet; that is, going down towards the old town.

Q. What is the tendency of the growth of business, if you know of any, in South Springfield?—A. It is more to the southwest than otherwise.

By the CHAIRMAN:

Q. What is the tendency of the growth of business in the city; is it to the northward, or how?—A. In the north end there has been some little speculation in real estate, away off up here [indicating.]

Q. Is it not true that there has been a larger development in the last year in North Springfield than in South Springfield?—A. No, sir.

Q. There has been considerable improvement there, however?—A. Yes, sir; our corporation line has extended on the south side.

Q. What is the character of the ground along there [indicating]?—A. It is comparatively smooth; it is on a slight incline, up hill.

Q. If the city continues to be prosperous, this part here [indicating] will all fill up, will it not?—A. No, sir; business will never cross these two railroad tracks to any extent.

By Mr. THAYER:

Q. Is there a depression down here?—A. Yes, there is a valley; there is a hill from there to there; then it is flat over to there, and then begins to rise again.

By the CHAIRMAN:

Q. These are residences along here [indicating]?—A. Yes, sir.

Q. Until you get to the business part of North Springfield?—A. Yes, sir.

By Mr. THAYER:

Q. State what proportion of the business part of the town is embraced within a circle of a radius of 500 feet from the public square?—A. Almost all the freight that comes to the entire city is landed right there [indicating] by the Frisco Railway. They found it a necessity to build the freight depot there in order to accommodate the business.

By Senator VEST:

Q. Where is this street railway that belongs to Mr. Elkins and those other gentlemen?—A. That runs along here [indicating].

By the CHAIRMAN:

Q. Is this a double-track road?—A. It is double-track there [indicating], and single track here [indicating], and along there.

By Senator PASCO:

Q. Is this the main line of the Frisco Road?—A. No, sir; the main line is a mile and a half north of that point. The main line of the Frisco Road is this track here [indicating].

By the CHAIRMAN:

Q. Where is Booneville street?—A. Right there [indicating].

By Mr. THAYER:

Q. That [indicating] indicates the new location, does it not?—A. Yes, sir.

By the CHAIRMAN:

Q. What is this space here [indicating]?—A. That is nothing at all. Here is Commercial street [indicating]. This line of railroad here [indicating] is the Belt Line.

By Mr. THAYER:

Q. I was asking you about the person who prepared this map, Mr. Paul Roulet. I would like to know what relation, if any, he sustains to this controversy?—A. He was here in October or November, 1889, as a representative of the North-end interest.

The CHAIRMAN. Nobody questions the accuracy of this map probably.

Mr. THAYER. I wanted that testified to, so that there would be no presumption arise that this map was prepared for a purpose.

The CHAIRMAN. We presume it was prepared honestly and properly, unless somebody attacks it.

Mr. THAYER. I believe that is all from this witness.

By the CHAIRMAN:

Q. Is this an accurate map, too [referring to the smaller map of the two]—A. Yes, sir; it was made by the same party.

By Senator PASCO:

Q. Is the new site indicated on this small map?—A. Yes, sir; it is right about that point.

[The point indicated by the witness was marked in ink with a circle around it.]

Mr. THAYER. Now, Mr. Chairman and gentlemen of the committee, I have in my hand what purports to be a copy of numerous affidavits filed with the Secretary of the Treasury by counsel in this case in behalf of representatives of South Springfield. As stated by Senator Conger yesterday, we were not permitted to see any of the papers whatever in this case. Therefore counsel, in submitting these statements, were compelled to submit them *ex parte*. I felt outraged in a degree that I was not permitted to see public documents in a matter of this sort. It is, I think, essential to the committee in this investigation here that they should have that record. These can not be presented to the committee as copies, because the originals were filed in the Department.

The CHAIRMAN. Get through with your witnesses that you have here this morning.

Mr. THAYER. I wanted to ask at this time that a call be made upon the Department for all the papers and records.

The CHAIRMAN. We will consider that.

Mr. THAYER. I am through with Mr. Woolley, with the exception that I request that I may be permitted to recall him at a subsequent stage for further testimony, if I find that it is necessary.

By Senator VEST:

Q. I was going to ask you, Mr. Woolley, whether you know of any undue influence, or any money consideration, or offer of money consideration or property, made to Colonel Fister to induce him to select this first site?—A. There was not. In that connection, in this pamphlet there are certain letters referred to, the originals of which I have. One is a letter from Colonel Fister, and the other is a letter from Senator Cockrell.

Q. This is the letter that was published?—A. Yes, sir. Colonel Fister was never involved in any way.

By the CHAIRMAN:

Q. It has been charged that he was, and we have thought it only fair to ask you. He never was to your knowledge?—A. No, sir.

Following are the letters from Thomas D. Fister and Senator Cockrell above referred to.

UNITED STATES SENATE,
Warrensburgh, Mo., July 19, 1889.

MY DEAR COLONEL CRAVENS: I do not feel that I would be justified in giving you the name of the writer of the letter to Colonel Fister in regard to options on lots around the midway location which was secured and could be secured, and from which big money could be made if location was there, etc. I presume Colonel Fister would not hesitate to give you the name and probably the letter. I do not know his home address. I suggest that you write to him, directing on back to "Col. Thos. D. Fister," and then inclose same in an envelope addressed to "Supervising Architect, United States Treasury Department, Washington, D. C.," with a letter to the Architect, requesting him, if Colonel Fister is not in the city, to forward to his home address.

It is an outrage to accuse Fister of crookedness or corruption. I am sure he never received either a cent or the promise of a cent for his action. I supposed the question of location was long since disposed of forever.

Now, in personal confidence, the writer was a real estate man, and not an old *ante-bellum* resident. I had letters from him favoring the midway location, and in answering told him I had seen his letter; was sorry he had written it, etc. I never heard from him afterwards.

Hence you must get the name from Fister, which you can doubtless do by writing him. You can say to him that you wrote me and I declined, and referred you to him for name and letter or copy.

With many best wishes, your friend,

F. M. COCKRELL.

KUTZTOWN, PA., *October* 9, 1889.

DEAR SIR: Yours of the 3d, inclosing one of July 24, was duly received. In reply will state that I have in my possession a letter addressed to me, dated January 5, 1889, from J. H. Bonslong. This letter I read to Senator Cockrell at the time, or soon after I received it. If Senator Cockrell wishes at any time to use this letter, I am perfectly willing to send the same to him, or a copy of it. I do not feel justified in sending letter or copy without the Senator's request to do so (in writing).

Hoping you will succeed in your efforts in the site matter, respectfully, yours,

THOS. D. FISTER.

J. C. CRAVEN, Esq.

By Mr. THAYER:

Q. Have you any knowledge of any suggestion of any corrupt proposition made to either side of this controversy except what are suggested in these letters printed in this pamphlet?—A. No, sir.

Q. I would like to ask one further question: Will you be kind enough to tell the committee as to the attitude of Colonel Wade, who is your Representative in Congress?

The CHAIRMAN. Colonel Wade is not under investigation.

Mr. THAYER. Colonel Wade will have an opportunity to cross-examine this witness.

The CHAIRMAN. You simply want to show his position with reference to the site?

Mr. THAYER. Yes, his position, his attitude. Colonel Wade is the Representative in Congress from that district, and I want to show his position with reference to the location of this public building and the controversy that arose in regard to it.

The CHAIRMAN. We are not investigating Colonel Wade. If you have any charges to make against him, I think they ought to be preferred somewhere else. We are investigating the Supervising Architect's Office, under this resolution. If the testimony you propose to offer connects Colonel Wade with the Supervising Architect's Office, or tends to show any improper action on the part of the Supervising Architect, or any undue influence or improper influence, I should say it would be proper evidence, but if it merely relates to the position of Colonel

Wade, a member of Congress from that district, on the question, or is an attempt to lay a foundation for criticising him independently of the action of the Supervising Architect's Office, I would not consider it within our province; would you, Senator Vest?

Senator VEST. No, sir.

The CHAIRMAN. Would you, Mr. Pasco?

Senator PASCO. Not unless it is connected with the Supervising Architect's Office.

The CHAIRMAN (to Mr. Thayer). You understand the position?

Mr. THAYER. Yes, sir. Let me say what we will undertake to prove. We desire to prove that the Supervising Architect in his report to the Secretary of the Treasury with regard to the change of location was influenced not mainly by the facts of the situation, not mainly by what was patent for the interest of the public (meaning the Government of the United States) and the interest of the public of that community, because it was perfectly evident that those interests would be best subserved by a change of location. On the contrary, we expect to show that he was influenced by the exertion of strong personal and political influence. The influence has already been suggested by this witness in his testimony as to the fact that the visit of Mr. Windrim was made under the escort, as described yesterday, of parties who were actually interested in holding the possession and property of this railroad, and one of them holding large real estate interest, a large amount of real estate which was upon the market, and which, in his judgment at least, was to be possibly affected by the location of this building; and that all of those influences, personal and political, potent in their character, were brought to bear under the conditions that have been sworn to by this witness.

The CHAIRMAN. That evidence is all in, and of course we will consider the proper inference to be drawn therefrom.

Mr. THAYER. A further suggestion, Mr. Chairman, is this: We shall take the position, Mr. Chairman, that an understanding was reached to the effect, as regards the political influence from that district represented by Colonel Wade (and on the part of Mr. Kerens at least representing the opponents to this old location), that by the withdrawal of the influence of Colonel Wade in asserting what I believe he deemed to be the proper location for the building for this community a certain political appointment which Colonel Wade desired to have made should be made so far as it could be controlled by the influence of Mr. Kerens. That is the nature of this testimony. This may not be a proper time to submit it to the committee, but I shall certainly desire at any suitable occasion, when a proper foundation shall have been laid, to submit it. If that foundation has not been laid, we will try to lay it at a subsequent stage, and then shall hope the evidence will be received by the committee. This is not an attack upon Colonel Wade. I have no desire to show Colonel Wade's relation to this or any other controversy, except as it touches the essence of the question here. We maintain beyond question that the influences that procured the change of this location have no reference whatever to the necessities or demands of the public there either of the Government or of the community itself.

The CHAIRMAN. Do you claim any improper relation between Colonel Wade and the Supervising Architect?

Mr. THAYER. No further than I have stated.

The CHAIRMAN. Only that he gave his political influence, as far as he had it, in favor of a particular location?

Mr. THAYER. Yes, sir.

The CHAIRMAN. Unless it involves the Supervising Architect's office in some way, I do not see how it can be material.

Senator VEST. It seems to me that we are investigating the question of the conduct of that office, whether it has been properly conducted and under proper influences. It is already in evidence that Mr. Windrim went out there personally; that he arrived there from St. Louis in the private car of Messrs. Kerens, Elkins, Hobart, and Clayton; and that after his arrival at Springfield he was conducted around through the city without seeing anybody else, and was to leave at 11 o'clock that morning; and these gentlemen here swear that they had been informed by a night dispatch that he would arrive at an early hour that morning, and they have detailed what occurred when they met him. Now, it seems to me that it is pertinent to show, if it can be shown—I do not know what the facts are—that there was in existence a corrupt agreement between one of these parties who was interested in the change of location and who had charge of Mr. Windrim, and anybody else who was interested in that matter, to secure this change of location. Then whether Mr. Windrim is connected with it is a matter of inference from all the circumstances.

The CHAIRMAN. I think that we will reserve that question until the subcommittee is full.

Senator VEST. I wanted Colonel Wade here. I thought he would be here, but I saw this morning in the St. Louis Republican that he made a public speech at Springfield day before yesterday, in which he advised the people there, at a public town meeting, to dismiss their lawyers here—I suppose that he refers to these gentlemen present—and submit to this new location. Until I saw that statement in that St. Louis paper I supposed that Colonel Wade was in town.

Mr. THAYER. The suggestion, Mr. Chairman, is that the action of Colonel Wade in this matter contributed to that gross negligence—if I may call it such—that gross abuse of official discretion, which is the substance of this charge against Mr. Windrim. I do not, counsel do not, and undoubtedly the citizens do not, bring any charge against Mr. Windrim's integrity. There is nothing in the papers that indicate it. We have not sought to do so, but our only purpose is to have the exact facts of the situation placed before the committee.

The CHAIRMAN. Whether Mr. Wade was improperly induced to give the sanction of his name and position as a member of Congress from that district to a particular location does not seem to me to be involved in this investigation, unless the Treasury authorities connected with the Supervising Architect's office were cognizant of it. But we will reserve that question for further consideration.

Senator VEST. It seems to me that it would be an improper thing for the Supervising Architect's office to act against the interests of the public and in accordance with what a Congressman may want. It seems to me that it is an improper thing for the Supervising Architect's office to submit to a Congressman's influence as to the location of a public building.

The CHAIRMAN. That is assuming that he did.

Senator VEST. That is what I understand is the proof.

Mr. THAYER. I am quite willing to reserve that, if the committee so desire.

Senator VEST. I want to ask this witness about a statement I made to these gentlemen, when they came to my house yesterday. I have never had anything at all to do with this matter, and would not have

anything to do with it. People in Springfield have written to me about it, but I have always answered that I would not have anything to do with a public building. I have made that an invariable rule.

The CHAIRMAN. I take the same position.

Senator VEST. I have never departed from that rule in any instance. Mr. Woolley and Mr. Minard came to my house. I told them that I was a Senator from the State of Missouri, and represented everybody in that State; that the location of the public building had been made. I said that I would not take any part in any squabble about the site. But I said to them, "If you have charges to make as to improper influences connected with the location of that site, I will present them by petition or statement to the Senate, and as far as I am able to do so will endeavor to have an investigation." Now, I would like to have Mr. Woolley say what he said to me in regard to the influences operating upon Mr. Windrim.

The CHAIRMAN. What did you say yesterday you were prepared to prove?

Senator VEST. I have not the slightest objection to the statement being made, for I want it spread on the record as fully as possible. These gentlemen told me that they could prove by a reputable man in this town who would swear that he heard an agreement made between Kerens and Wade that, if Kerens would favor the appointment of Tracy as marshal for the western district of Missouri, Wade would withdraw his opposition to this change of site. That is substantially what they told me.

The CHAIRMAN. Do they connect Mr. Windrim with that in any way, to show that he had knowledge of it?

Senator VEST. No. They said that, acting under this agreement, Wade withdrew his opposition to the change of location and favored Kerens in his effort to bring that about, in consideration of what I have mentioned; and they said a gentleman here—I think his name is Wallace—had heard that agreement made between those two men. I told these gentlemen if they would bring me that statement over the signature of any reputable man I would present it to the Senate and have an investigation made if I could.

The CHAIRMAN. You had no difficulty in getting an investigation?

Senator VEST. Not the slightest. You acted very fairly.

Senator PASCO. That does not necessarily implicate Mr. Windrim. That might have gone on over his head without his knowledge.

The CHAIRMAN. We will reserve the question, if it is the pleasure of the committee, for further consideration. Leaving that now, gentlemen, proceed.

Mr. CONGER. Does the reservation of your decision refer to testimony that has already been taken?

The CHAIRMAN. No, sir; we simply reserve the question whether we will take it.

Mr CONGER. Perhaps Mr. Woolley can be present hereafter to testify.

By Senator VEST:

Q. Am I correct as to the name of that man you mentioned being Wallace?—A. Yes, sir.

Q. Is he in Washington?—A. Yes, sir; I saw him a day or two ago. He was a candidate on our Republican State ticket for lieutenant-governor.

Senator VEST. I do not know him at all.

The CHAIRMAN. What further, gentlemen?

Mr. THAYER. I will call Mr. Minard.

TESTIMONY OF ANDREW J. MINARD.

ANDREW J. MINARD sworn and examined.

By Mr. THAYER:

Q. What is your name?—A. Andrew J. Minard.

Q. Where is your residence?—A. Springfield, Mo.

Q. Be kind enough to tell the committee when you first had any relations with the matter of the selection of a site for the public building at Springfield, Mo., and what those relations were.—A. My first connection, perhaps, with the business of the location of the site was in helping to raise a sum to pay for the site on the corner of St. Louis and Jefferson streets. I am an old resident of the city of Springfield, interested in this location, and that was the first, I think, that I had any active part in.

Q. Was a fund raised for that purpose?—A. Yes, sir; a sum was contributed by the people who are interested in the south end—about $23,000 or $24,000; the exact figures I do not remember. One reason, perhaps, why I was connected with it, was because I once owned a portion of the site; I owned one-fourth of the site that we were to pay $24,000 for, and I sold it the year before for $10,000. It was put in for considerable less money than it cost the parties who put it in, because they were interested in the location of the site, and, instead of contributing money, they simply reduced the price of the property to what, I believe, was less than it cost them, probably. The value was $40,000, and it was put at $24,000.

Q. In your judgment was that old location at a point where it would suit the convenience of the business men of Springfield?—A. Most assuredly. At least 95 per cent. of the business portion of the city is in that immediate neighborhood. The other portion, a mile and a half from there, has a post-office of its own.

Q. You speak of the value of this property; how does it compare with the value of the property for the proposed new location?—A. Not a great while before the purchase of this property I could have bought it for from $7,000 to $10,000.

By Senator VEST:

Q. You mean this new site?—A. Yes, sir.

By Mr. CONGER:

Q. How long before?—A. Well, it was less than a year.

By Mr. THAYER:

Q. What is your judgment as to its present value?—A. It could not be sold to-day for $10,000; no syndicate on earth would buy it for that money. I am interested in real estate matters there, and have sold a great deal of property.

Q. You are familiar with the values there?—A. Yes, very familiar; that has been my business for years. It could not be sold to-day for $10,000.

Q. At what figure did they put in?—A. Twenty thousand dollars.

By the CHAIRMAN:

Q. Who owns it?—A. It is owned by a man named Foley and a gentleman named Whaley, and I think there is another party interested in it; but those two parties own the principal interest.

By Mr. THAYER:

Q. Who are the owners of the property that was included in the old location?—A. Woolley, Porter & Hubbell, and the Scott Investment Company; and there was a small interest perhaps in the Hollands or the Holland heirs.

Q. Have you any information as to any alleged irregularity in the deed made by the Scott Investment Company to the United States?—A. I know the Scott Investment Company deeded the land to the Government; that the proceedings were regular; that the deed was signed by the officers of the company, etc. At that time, however, the board of directors was composed of a class of men that were favorable to this location.

By Senator VEST:

Q. To which location?—A. The old location; the first location, that has been chosen three times.

Senator VEST. I thought it was only twice?

The WITNESS. Once by Secretary Fairchild and twice by Secretary Windom.

Q. You mean the old site?—A. Yes, sir.

Q. Has that been twice selected by Secretary Windom?—A. Yes, sir.

Senator VEST. I beg your pardon; I thought it was only once.

The WITNESS. That is as I understand it. I think we can prove it.

Senator VEST. Is that so, Mr. Woolley?

Mr. WOOLLEY. Yes, sir; once by Secretary Fairchild and twice by Secretary Windom.

The WITNESS. Secretary Windom would confirm what we asked, and then Mr. Kerens would come here and turn it over; and since the last time he turned it over we have not been able turn it back, though we have tried. We turned it twice, and we think we can again. I will state further in regard to this that the board of directors were favorable to the location on the South side; that the deed was properly made, and was passed upon by Mr. Bentley, acting for the Attorney-General.

By the CHAIRMAN:

Q. Continue your testimony as to the alleged irregularities about the deed.—A. The deed was turned over to the Government, passed upon, and the title pronounced good. That was some time in March, I believe; I do not remember the exact date; and all that was required to make the title good in the United States was the recording of the deed, which the Government did not have done. In about five months after that the Scott Investment Company, having in the meantime changed its board of directors, after a desperate effort being made to that end, were favorable to the North side. They had tried every way under Heaven to get the location changed, and had not been successful. Therefore, this new board of directors got together and did a desperate thing; they put a mortgage of $5,000 upon this site that they had already deeded to the United States Government; and when remonstrated with about it they said that there was no danger in such a thing because they had deeded it to their friends, Mr. Bentley and Mr. Hobart, or at least to the bank which they controlled. That was the beginning of the trouble with the title under which condemnation proceedings were commenced, simply to wipe out this mortgage.

Q. Was there some question about the sufficiency of the deed, as to its execution or otherwise?—A. That point was raised, but it was settled after that by the authorities here. The only question was in regard to the sufficiency of the authority of a secretary pro tempore.

Mr. THAYER. I do not think you understand the chairman's question. My point was—and possibly the chairman had the same in his mind—whether there was ever any allegation as to irregularity in the execution of the original deed from the Scott Investment Company to the United States. Have you any information upon that subject?

The CHAIRMAN. You may continue what you were saying. We will go back to that. You were talking about the secretary *pro temore*.

The WITNESS. They claim that there was an irregularity. They claim that the Secretary *pro temore* was not authorized to sign or could not sign.

By Mr. THAYER:

Q. Have you any personal knowledge on that point?—A. Only the talk I heard in regard to it.

Q. You are familiar, I suppose, with the business of Springfield, as to its location?

The CHAIRMAN. Was there any other irregularity? I wanted to call the attention of the witness to it if there was.

Mr. THAYER. I believe this witness has no information of his own, but I desire to lay before the committee a suggestion as to that irregularity. I suppose when the committee makes a call upon the Department for the papers there will be a full statement. I do not know what those papers contain myself.

The CHAIRMAN. I thought you had something in your mind a while ago.

Mr. THAYER. No, sir.

By Senator VEST:

Q. Do you know whether this site has ever been accepted by the Government?—A. I have seen the letter, signed by Secretary Windom, accepting the site.

By the CHAIRMAN:

Q. The new site?—A. No, sir; the old site.

By Senator VEST:

Q. I mean the new site, the present location. Do you know whether that has been accepted?—A. No, sir; I do not know it.

Q. Have you ever seen any of the papers?—A. No, sir.

Mr. THAYER. My purpose, Mr. Chairman, in asking that question of this witness was that at a certain stage in the proceedings we, as counsel, were met with the statement at the Department that this property, which had been offered, and for which the Department held deeds in escrow, and had so held for several months had been encumbered.

Senator VEST. We understood that yesterday.

The CHAIRMAN. We understood that.

Mr. THAYER. And that fact was raised as an insuperable objection to the Department going on and completing its transaction with reference to the location of the site that had been approved by the Secretary of the Treasury.

Senator VEST. What I asked was this about the new site; whether he knew that that new site had been accepted by the Department?

The WITNESS. I beg your pardon. When I was in Washington last fall on this particular business, I staid here about seven weeks, until the matter was decided in regard to the new site, and we were shown by the private secretary of Secretary Windom, a letter stating that the new site had been accepted. That is what I saw.

Q. (By Senator VEST.) They have not done anything towards putting up the building, have they?—A. No, sir.

By the CHAIRMAN:

Q. Have they paid for the new site?—A. I do not think they have. They can not pay for it, because the title is not at all perfect. That is true, to my certain knowledge. I know the parties they are trying to get deeds from.

Q. The title has not vested in the Government from the parties who own it?—A. No, sir; not at all.

By Mr. THAYER:

Q. Subsequently you visited Washington, did you not?—A. Yes, sir.

Q. As representative of the interests of the town of Springfield?—A. Yes, sir; I had no personal interest in any real estate that is within a great distance of the public building. What I have done I have done with Mr. Woolley, with the help of funds that have been raised by the citizens there who sent us here to represent their interests in securing the site they desired.

Q. At what time did you make your visit?—A. We came here the first of October, 1889, and staid two months.

Q. Was that before or subsequent to the visit of Mr. Windrim to Springfield?—A. It was subsequent.

Q. You had not been to Washington before that time?—A. No, sir; I had not.

Q. I will ask you, as I asked Mr. Woolley, about what proportion of business of the whole city of Springfield is located around and about the public square?—A. The business within 500 feet of the public square amounts to about 95 per cent. of the total business done in both towns, North Springfield and South Springfield. The wholesale business and the bulk of the business is done in our town. The freight is delivered there, although it was once delivered in North Town.

Q. Is that business growing?—A. Growing very rapidly. The banks have doubled and trebled their capital, and business of all kind is growing there. They had one or two wholesale houses over in the new town, but they have been removed to our town, and the factories, foundries, etc., they had over there have been removed to our town, although they are owned by Mr. Hobart and Mr. Elkins, and that town, instead of growing, is decreasing continually, and our town is growing very rapidly.

Q. State to the committee the circumstances of the establishment of that town, as bearing relation to this controversy.—A. The old town of Springfield was established, I think, about the year 1830, and has grown continuously until the year 1868, perhaps. The Frisco Railway ran a mile and a half from the town because the old city of Springfield would not contribute $100,000 to have it brought there; and they established their depots and shops there, and for a time the new town grew rapidly, but eventually the old town will naturally eat it up, as it is doing every day. They still have a retail trade over there, and there always will be a retail trade in that part of the town, but their best buildings have been vacant for a long time. There is simply a small retail business done over there at this time for the accommodation of those who work in the shops.

Q. State the distance of the new location from the public square?—A. I think it is something over half a mile; at least half a mile.

Q. Do you regard that distance as subjecting the business men to great inconvenience?—A. I certainly do. The people will have to cross

the railroad tracks, of which there will be more in time, and will have to cross the sewer outlets, the creek, and the low bottom-land there to get over to the post-office in a location where there is no business. It is my opinion that there never will be any business across the tracks. In twenty years the business has gone north nearly 60 feet, and in the north town it has gone south perhaps from 100 to 150 feet. If they have their new building where Mr. Windrim located it, it gives north town two post-offices.

Q. What do you mean by giving them two post-offices?—A. They will have the new Government building and another post-office, which is now station A.

Q. How far removed is the new site from the old town?—A. Just about a mile, I should say; very nearly a mile.

Q. Do I understand you to say that they would still have a post-office or postal station in North Springfield?—A. Yes, sir.

By the CHAIRMAN:

Q. You do not know that?—A. No, sir; only I have taken pains to ascertain the feeling and the understanding of the north town, and they tell me that they expect to have a station there, and Mr. Kerens has promised it. They seem to have great confidence in that.

By Mr. CONGER:

Q. They have one now?—A. Yes, sir; they have a station there now.

By the CHAIRMAN:

Q. How long have they had it?—A. They have had it several years. They claim it will be there, because it is situated a mile from the public building; and they laugh over the fact that they will have both post-offices, as they claim, and we will have none.

By Mr. THAYER:

Q. The main post-office in Springfield is located in the old town, is it?—A. Yes, sir; 100 feet from the square.

Q. Has it always been there, to your knowledge?—A. It has been there within 300 feet for a great many years, and I guess always.

Q. Now, come down to the point when you visited Washington. Under whose authority, or under what authority did you visit Washington, and when?

The CHAIRMAN. He stated that they raised money; that he had no property to be benefited; and that he came as the representative of the business interests of the city and at their expense. With whom did you come?

A. Mr. Fearn and Mr. Woolley. Mr. Fearn is not here.

Q. (By Mr. THAYER.) That was subsequent to Mr. Windrim's visit, was it?—A. Yes, sir.

Q. How long after?—A. Immediately after.

Q. Did you make representations to the Supervising Architect and to the Secretary of the Treasury, of your views as to the proposed change?—A. Yes, sir; fully.

Q. Did you file papers, affidavits, and statements?—A. Yes, sir; we filed papers and maps that cost us a great deal of time, labor, and money; we filed those in the Department giving facts that we had taken time to look up and gone to expense to get together.

Mr. THAYER. I would like to have Mr. Minard's identification of the maps, with which he is very familiar.

The CHAIRMAN. It is not necessary. There is no question about the

maps. If at any time they should be attacked then you will have an opportunity to prove them.

Q. (By Mr. THAYER.) As to the facts that these maps disclose, particularly the tendency of the growth of business in the old town.—A. The new town is in that proportion, about where my pencil is, from the old town. There is one business street.

The CHAIRMAN. Can you gentlemen not furnish us with a map of the city in some such style as that, which will give us both ends of the town, and show the business of the whole city?

Mr. THAYER. We have none except these, unless some map has been filed in the Department.

By the CHAIRMAN:

Q. Do you know whether there is on file in the Department a map that shows the old and new town, and shows the improvements?—A. Yes, sir; there is a large map filed there by Mr. Hubbell.

The CHAIRMAN. We will get that.

Mr. THAYER. I wanted to ask a question as to the tendency of the growth of business in the old town.

The CHAIRMAN. In the whole town?

Mr. TAYLOR. I ask this question for this reason, that the only reason assigned by the Supervising Architect that in my judgment justifies or tends to justify the proposed location is the statement in his report, as the committee will find, that his judgment is that the tendency of the growth of business in the old town was directly towards the location. These witnesses will swear, and others will, that the growth of business is exactly opposite.

Q. (By the CHAIRMAN.) In what direction is the growth of business?—A. The growth of business in this town of Springfield is to the southwest.

Q. Do you speak of the whole town?—A. I speak of the whole city, we call it one city now; it used to be two. It is more in the direction of the southwest perhaps than any other. The south along here, and then southeast along here. But the growth north of the tracks in twenty years has been simply nothing. It has grown only 60 feet. There are two small bakeries put up there. This is the low part of the city, through which a creek passes. That is expected to be the part of the city through which all the commerce and railroad tracks will run, and it is an impossibility, we think, for the town to grow northward. It never has.

Q. When you speak of the growth northward why do you exclude North Springfield?—A. Because there is no growth in North Springfield, except in the vacant space between north town and south town; there are residences in there.

Q. What is the distance between the two places?—A. About a mile and a half.

By Senator VEST:

Q. This street railroad runs from one to the other?—A. Yes, sir.

By the CHAIRMAN:

Q. What do you say is the population of South Springfield?—A. I can not tell you that.

Q. About what?—A. The old line between what we call North Springfield and South Springfield is along here some place.

Q. What is the population south of that line?—A. I presume it is

about half; I presume the actual population is about half north of the railroad and half south of it.

Q. The whole population is about what?—A. About 35,000; we claim 35,000.

Q. How shall I designate this line? What track is that?—A. That is the 'Frisco Belt Railroad, on Phelps avenue.

Q. Then you say that about half of the population is south of the 'Frisco Belt Railroad track, and the other half north of it?—A. As near as I can tell.

By Senator PASCO:

Q. How much of the business on either side?—A. There is 95 per cent. of the business done south of the track, where there is only 5 per cent. done north of the track.

By Senator MORRILL:

Q. How far is the new post-office site, that Mr. Windrim adopted, from this square?—A. As near as I can get at it it is about a full half mile.

By the CHAIRMAN:

Q. It is much nearer South Springfield than North Springfield?—A. Yes, sir.

By Senator VEST:

Q. Where is the old site—the one he has changed from?—A. That is right here close to the square; it is just about 300 feet, I should think, from the nearest point of the square. The post-office used to be in that building right there [indicating].

By Senator PASCO:

Q. And now it is here [indicating]?—A. Yes, sir; here is the location.

By the CHAIRMAN:

Q. Then you say that the new site selected is about half a mile from the public square?—A. Yes, sir.

Q. And about a mile from Commercial street?—A. A mile from Commercial street.

Q. About a mile from North Springfield?—A. Yes, sir; just about.

Q. So that, while it is somewhat more convenient to the people of North Springfield, which contains half of the population, than the old site would be, it is still very much more convenient to the people of South Springfield than it is to the people of North Springfield?—A. No, sir; because North Springfield has nothing to interrupt them in going to the post-office, whereas, there are continually trains and cars passing on these tracks that would bother us to death in passing them; and then our sewer arrangements, and the creek and bridges are down in there, and the outlook for the future growth of Springfield would all be against it; the growth has been from 8,000 to 30,000 in ten years.

Q. With the growth of the city there will be a viaduct, will there not, over these tracks?—A. Possibly; but the growth is all in the other direction.

Q. That is, to-day?—A. Yes, sir; to-day. But we have no reason to imagine that it will change.

By Mr. THAYER:

Q. Explain to the committee from that small map the relations between the two towns before they were merged?—A. This is the new

town that was built by the 'Frisco Railway Company. That is called Division street. This was new town right in here. From there south was the old town, the old corporation of South Springfield. The two towns were merged into one two or three years ago, perhaps three or four years ago. The business of North Springfield is right on Commercial street, along side of the railroad track. We go along here until we get down to this place here, and then it is a low flat place through which the tracks go.

The CHAIRMAN. Mark the new site on this map.

The WITNESS. It is away up here. This is the square, and there is the site that was first selected.

Q. (By Mr. THAYER.) You say that there is no business practically between these points?—A. With the exception of two or three small bakeries there is nothing until you get to the new town, except right over here is the opera-house that was built as an experiment to try to draw the trade from the North Town. That opera-house cost $65,000.

By Mr. CONGER:

Q. Where on this map is the opera-house?—A. Right there [indicating].

By Senator VEST:

Q. Who built that?—A. It was built by a company of North Town people to try to draw the trade over that way.

By the CHAIRMAN:

Q. No matter what it was built for; it was built?—A. It was built.

Q. And this new site is opposite that opera-house?—A. nearly opposite.

Q. Is it the only opera-house in the city?—A. It is the only opera-house that we call a nice opera-house. It cost $65,000, and that and the ground to-day is offered for $25,000. It is too far from the business portion to do any good.

By Senator VEST:

Q. It is offered for $25,000?—A. Yes, sir.

Senator VEST. That is speculating in the wrong direction.

The CHAIRMAN. Is there anything further of this witness?

Mr. THAYER. Mr. Chairman, I do not like to consume the time of the committee in going over the facts that are already incorporated in these numerous affidavits made by these same witnesses. If it be the purpose of the committee to call upon the Treasury Department for the papers in this case, which will embrace their detailed statements, it will be found that they will be as forceful, I suppose, to the committee as their oral testimony, and the committee will be saved from expending time in that phase of the case.

The CHAIRMAN. Exhaust these witnesses you have here this morning.

Mr. THAYER. Mr. Minard and Mr. Woolley are the only witnesses present.

The WITNESS. May I make one statement which I forgot in regard to the visit of Mr. Windrim?

Senator VEST. Yes.

The WITNESS. When I came here I came as the representative of the south side, and we knew the views of the people elsewhere. We had repeated interviews with Mr. Windrim, and also with Secretary Windom, but particularly with Mr. Windom. We objected to this site.

We told them it would inconvenience both towns; that it was a great inconvenience to us and no convenience to north town. On behalf of the citizens of south Springfield I made this proposition: that we would say "amen" and be perfectly satisfied if we were to have the public building on Commercial street; that is in new town; to show our feeling in the matter that we simply wanted postal facilities instead of real estate operations. That were our proposition, that they either put the building in our town or in new town, we were not particular which, because what we wanted were postal facilities and not a public building; we cared nothing for a pile of granite, but we wanted postal facilities; and if they put it in north town we would have a station and we would be satisfied.

By Senator MORRILL:

Q. That would be a mile from its present location?—A. Yes, sir; but it would give us a station, and all we are fighting for is postal facilities.

By Senator PASCO:

Q. You mean to say, then, that you would have a station in the old town?—A. Yes, sir; we would have the same facilities we have to-day, which are perfectly satisfactory to us.

By Mr. THAYER:

Q. Did you obtain any information, directly or otherwise, as to the representations in writing made to the Treasury Department to secure the change of location?

The CHAIRMAN. If there are any written representations they should be produced.

Mr. THAYER. I was leading up to this question. I wanted to ask whether or not he made application to the Department for information as to the character of these remonstrances that were made upon which was alleged to be based the action of the Department; whether he made an application to find out what they were, so as to meet them, and if he made such application whether it was denied or not.

The CHAIRMAN. Yes.

A. We made repeated applications to Secretary Windom for the papers in the case. We knew that affidavits had been filed, and we left copies of our pamphlet with Secretary Windom. There was a committee from the north side here, and while they were in the city I have gone into the Supervising Architect's office and have seen that committee poring over a pile of papers that you could hardly put on this table. They had the papers, but we could get nothing.

By Senator VEST:

Q. That was in Mr. Windrim's office?—A. In Mr. Windrim's office.

Q. You had applied to him to see these papers?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you never permitted to see these papers?—A. Not a thing. We were not even permitted to see Mr. Windrim's report. Before the decision was given we asked for it, and finally Secretary Windom told us we could see it; that he would have Mr. Windrim present there with his report, and we could be present with our attorneys. The report was furnished, and we asked to see it, but when Mr. Windom was about to hand the report to us or read it to us Mr. Windrim got up and made a strong protest.

By Senator VEST:

Q. That is Mr. Windrim, the architect?—A. Yes, sir; he made a strong protest against the report being read or against our seeing it. He said it would be a breach of trust.

Q. He said that to the Secretary?—A. Yes, sir. He fought against it faithfully; I think Mr. Conger made some remarks to the effect that we were entitled to it, and Mr. Windom in a hurried way read the report.

Q. But did not give you an opportunity to read it?—A. No, sir.

By the CHAIRMAN:

Q. Is it not customary to keep those reports confidential?—A. I really am not prepared to say about that. It was a public matter.

Mr. CONGER. It is not customary to keep them confidential after they get to the Secretary?

Senator VEST. No; that is not customary. The report had been placed in the Secretary's hands.

The CHAIRMAN. I know of one instance in Wisconsin where the report was kept confidential. I know the parties came to me and tried to get to see it, but I declined to assist them in that, for my understanding was that it was not customary.

Senator VEST. I know that Secretary Windom has notified Senators that he had received a report and they could have the opportunity of seeing its contents.

Mr. THAYER. As counsel, Mr. Chairman and gentlemen of the committee, we shall maintain, and maintain with great vigor, the proposition that there can be no sufficient reason for keeping secret a document of that character.

The CHAIRMAN. My remark was not directed to that point.

Mr. THAYER. At the proper time I shall certainly lay down that proposition.

By Senator VEST:

Q. Secretary Windom told you and your counsel that if you would come there on a certain day he would send to the Supervising Architect and have his report there and you could see it. Is that right?—A. Yes, sir.

Q. You were there on the day fixed?—A. Yes, sir.

Q. And he did send for Mr. Windrim and his report?—A. Yes, sir.

Q. And as he came up he delivered his report to the Secretary of the Treasury, and when the Secretary was about to read it Mr. Windrim inteporsed an objection?—A. He first interposed an objection to us seeing it. Mr. Windom was willing that we should see it.

Q. You mean that the Secretary was willing?—A. Yes, sir; Mr. Windom.

Q. Then Mr. Windrim objected to that?—A. Yes, sir. Then Mr. Windom said he presumed the committee would be satisfied to hear it. We told him that we would have difficulty in making note of any hurried reading, but Mr. Windrim fought the proposition, and finally Mr. Windom said he would read it, and he did read the report, but we could hardly take notes. It was only the full report that we wanted to reply to.

By Senator MORRILL:

Q. Did you understand that that report had been made to the Secretary before that, or was it in the hands of the architect?—A. I really do not know, but my remembrance is that the report was already in the

hands of the Secretary. But Mr. Windrim may have brought it up with him. I can not swear as to that. I know it was there.

By Senator VEST:

Q. Did I not understand you to say that you applied to Secretary Windom to see the report of the Supervising Architect, and that Mr. Windom told you that he would send for Mr. Windrim to come there with his report on a certain day?

The CHAIRMAN. He stated that.

Senator VEST. I wanted to get at the point of Mr. Morrill's question. You must have known that the report was made.

The WITNESS. We immediately followed Mr. Windrim to the city. We were very much aroused in Springfield about the circumstances under which Mr. Windrim made his visit there.

By Mr. THAYER. How long after his return was it, do you think, before Mr. Windrim submitted his report?

The CHAIRMAN. He has not stated that he did submit it. He says he did not know whether he did or not.

Q. (By Senator VEST). Did you follow Mr. Windrim here?—A. We came immediately, or two or three days after.

Q. How long was it before you had the interview you have related with Secretary Windom?—A. We had more than one interview with the Secretary.

The CHAIRMAN. Mr. Vest refers to the interview at which the Secretary fixed the date when you could come there and when he would have the Supervising Architect present and meet you there.

The WITNESS. I should imagine that it was two weeks after.

Q. (By Senator VEST). How did he happen to say that if you would come there he would send for the report and for Mr. Windrim, unless the report had been made? That is what I want to get at.—A. I do not know. The Secretary may have been informed that the report was ready. I do not know. He simply told us that if we would come he would have the report there with Mr. Windrim. We were anxious to see the report, and we applied for it to Secretary Windom, and he said if we would come to his office on a certain day he would have Mr. Windrim and the report there.

Senator VEST. Then this report must have been made?

The WITNESS. It was prepared, but I do not know whether it had been sent to the Secretary or not.

Q. You were trying to get to see it?—A. That was what we were after.

By Mr. CONGER:

Q. Please state whether at the time Mr. Windom gave us this interview, at which I was present, he did not promise to have the report and all the papers, that we had desired so long to see, brought to his own office where we could look them over?—A. Yes, sir; he did.

Senator VEST. What I wanted to get is why Windrim was interested in trying to keep his report away from one side of the case. That is the point.

The CHAIRMAN. He is stating the facts. The committee will have to get at the reason.

Senator VEST. That is the reason I wanted to get at the facts as to his going there and appearing before the Secretary of the Treasury.

The CHAIRMAN. He has stated all that distinctly.

Senator VEST. Then, Mr. Morrill asked whether the report had been made.

The CHAIRMAN. He says he does not know. [To the witness.] I understood you to say you did not know whether it had been presented to the Secretary or not?

The WITNESS. No, sir; if I knew at the time I do not remember now.

The CHAIRMAN. We can get at that.

The WITNESS. We wanted to see the papers, and we were promised there that day that we should see Mr. Windrim's report, but when we got there we were not allowed to see the report or any of the papers in the case.

The CHAIRMAN. Have you anything else, Mr. Thayer?

Mr. THAYER. Mr. Chairman, I do not think it is necessary to ask anything further of this witness at this time?

By Senator VEST:

Q. I want to ask him a question: Do you know, or did you ever hear of any money being received by Mr. Windrim, directly or indirectly, when he was at Springfield? Did you ever hear of his receiving any money, or winning any money, on that trip from St. Louis to Springfield?—A. Yes, sir.

Q. You say you did?—A. I did.

Q. State what it was.—A. I suppose I must answer this question?

The CHAIRMAN. I think you ought, if you can, to give the names of the people who know anything about it.

Senator VEST. That is what I want to get at. I do not see how we can get at anything unless we start somewhere.

The CHAIRMAN. I have not the slightest disposition to suppress or conceal anything that ought to come in.

Senator MORRILL. If it is nothing but hearsay, and he has no names of witnesses——.

The CHAIRMAN. For the purpose of stating the names of witnesses you state, if you know anybody who claims to know anything on that subject, state who he is and where he resides.

The WITNESS. Well, I can simply state the matter as it has been told me.

Senator VEST. That is what I want.

The WITNESS. There seems to be a general understanding in our community, and it has been talked over by the community in general—if I was brought on the stand to prove it I could not do so—

By the CHAIRMAN:

Q. Are you able to give the committee the name of anybody who it is claimed knows that Mr. Windrim received any money or won any money on that occasion?—A. Yes, sir; I can give the name of one gentleman particularly who has told me, and I have every reason to believe that he can testify and knows whereof he speaks. I am confident as to that.

Q. Give the name?—A. Mr. Fearn tells me that——

Q. What is his name?—A. A. R. Fearn.

Q. Where does he live?—A. He lives in Springfield, Mo.

Q. Where is he now?—A. He is in Springfield, Mo.

Q. Proceed.

Mr. THAYER. I will say to the chairman that Mr. Fearn expects to be present.

The CHAIRMAN. Let the witness make his statement.

The WITNESS. Mr. Fearn tells me that Mr. Windrim came to St. Louis and was——

Q. Are you telling now what Mr. Fearn would testify to?—A. Yes, sir. You can prove this part of it that I am now speaking of by his own side. He went to St. Louis and was entertained by these gentlemen very highly for two days, and then they took him on their private car, and wined him and dined him; and he came to Springfield, sending a dispatch at lacking three minutes of 12 o'clock at night to our citizens that he would be there the following morning.

The CHAIRMAN. We have all that. What about the money business?

The WITNESS. Mr. Fearn says that he has reliable information that there was money won on that trip coming to Springfield in pretty good quantities.

Q. Won by whom?—A. Won by Mr. Windrim.

Q. Of whom?—A. Well, they claim from Powell Clayton; I do not know whether from anybody else or not.

By Senator VEST:

Q. That party consisted, as I understand—I do not know whether you stated it or not, but I think Mr. Woolley stated it yesterday—of Dick Kerens, Steve Elkins, Powell Clayton, Hobart, and—what was his name?—A. Churchill.

Q. Churchill, Windrim, and Windrim's clerk?—A. Yes, sir; Mr. Dapray, the law clerk in his office.

By Senator MORRILL:

Q. Was this money won on the determination of the selection of a site?—A. This is a matter upon which I am very reluctant to testify, because I do not like to make any charge which I can not prove myself. I simply answer the question of the committee because I am obliged to.

By the CHAIRMAN:

Q. Then your understanding is that on the way out—and that is the utmost you mean to state—that on the way out from St. Louis, the party played poker, and that Mr. Windrim won a considerable sum of money from Powell Clayton?—A. That seems to be the story.

Q. Was General Clayton interested at Springfield?—A. They are all interested together. They own the street railway and the bonds, I understand. I know that that is the understanding. I guess there is no doubt about it. They have property interests all together there. Mr. Clayton went on to Eureka Springs to get ready for the banquet, and we kept Mr. Windrim from going because we showed him that it would not be desirable for him to leave town without listening to us for a few minutes at least.

By Mr. THAYER:

Q. You say "we;" were you present at that time?—A. No, sir; I was not present. I know that to be a fact, however.

Q. You were not present at the time Mr. Windrim was there, were you? Were you in the city or out of the city?—A. I was out of the city that day a part of the day.

By the CHAIRMAN:

Q. What is Mr. Churchill's full name?—A. I do not remember. He is the collector of the port of St. Louis.

(A gentleman present in the committee room suggested that his name was J. C. Churchill.)

Senator VEST. He is the man that has been appointed collector of customs in St. Louis.

By Senator MORRILL:

Q. I do not understand, then, that the poker game had any relation the selection of the site?—A. Only we claim that he is a very poor sbyterian player, and it is very strange that he should have gotten ay with Powell Clayton.

By Mr. THAYER:

Q. Did you make any complaint to the Secretary by reason of the umstances of Mr. Windrim's visit?—A. Yes, sir; we did. We comined bitterly, and told him we wanted to see that report because Mr. ndrim had been unduly influenced, and Mr. Windom said he was ll aware of that fact.

By the CHAIRMAN:

Q. Well aware of what fact—that he had been unduly influenced?— That he had gone down under undue influence, as I claim; and he l that Mr. Windrim had been to him personally on his return and l him that he had gone down under those circumstances, and now t he had returned home he was exceedingly sorry that he had gone vn in any such way; and he made the remark that he had repented it a thousand times since, but it was too late now to cry over it. retary Windom told me that himself. He said that Mr. Windrim de a great mistake, and he acknowledged it. That was in the retary's office. But he thought he had been able to do his duty ler the circumstances.

Q. Notwithstanding?—A. Notwithstanding. We differed from the retary on that.

The CHAIRMAN. Anything else, gentlemen?

Mr. THAYER. Nothing else, Mr. Chairman, on that. I suppose the mmittee will bear in mind what was said yesterday as to the convence of the gentlemen who are present?

The CHAIRMAN. We will bear everything in mind.

The subcommittee, after a short secret session, adjourned to 10 o'clock m. of Friday, April 11, 1890.

FRIDAY, *April* 11, 1890.

The subcommittee met pursuant to adjournment. Present, the Chairn (Senator Spooner), and Senators Squire and Vest.

The CHAIRMAN. What witnesses are to be examined this morning? . Wallace and a number of other gentlemen are here.

Mr. THAYER. I will say, Mr. Chairman, that several witnesses have ived from Springfield who desire to submit their testimony to the mmittee.

The CHAIRMAN. On what proposition?

Mr. THAYER. In the same direction as the testimony that has already n submitted to the committee.

The CHAIRMAN. I think we all agree that we do not intend to review action of the Department as to the location of the site, or to take timony as to which is the better site, except so far as that testimony uld tend to show some undue influence or improper action on the t of the Supervising Architect.

Mr. THAYER. I understand that proposition, Mr. Chairman.

The CHAIRMAN. Keeping that in mind, you may examine the witsses who are here.

Mr. THAYER. I want to say that on the bare proposition as to the change of location, and on the question of reviewing the action of the Department, whether one site was more desirable than another, on that question the Department has acted, and we may be disposed to agree with the committee on that point.

But the testimony already before the committee I think leads to this situation: When this matter was presented to the Department in the first instance, counsel, together with the people representing the south side, alleged that influences (non-resident influences, property influences) that had no actual interest in this community were brought to bear to procure a change of location that had already been wisely made. Senator Conger and myself were counsel at that time, and represented these facts, and named these parties to Mr. Windrim and the Secretary, alleging that that kind of complaint was being seriously made. Following that, Mr. Windrim visited Springfield, being charged by the Secretary explicitly, to use his own language, to exercise his judgment and conscience on this matter. The committee will bear in mind that we had complained distinctly to the Secretary of this undue and improper influence as affecting questions purely of a business nature in the community.

The CHAIRMAN. That is all true; that is already established.

Mr. THAYER. Yes; that fact is true; now I submit that in consequence of that, Mr. Windrim having visited Springfield as he did, and under the conditions and remaining there the short time that he did, and his examination being to a large extent perfunctory, it is admissible for this committee and is necessary for this committee to understand exactly what the state of facts was in that community.

The CHAIRMAN. You are a lawyer, Mr. Thayer, and you understand the limit within which the committee wishes the investigation to proceed. You know what your witnesses will testify, you know what questions to put to them to elicit testimony within that limit. We are very busy and have not much time to devote to the investigation. Bearing these things in mind, call your first witness.

Mr. THAYER. I would like to recall Mr. Minard.

TESTIMONY OF ANDREW J. MINARD—Continued.

ANDREW J. MINARD, recalled and further examined.

Mr. THAYER. The very first question that I will ask Mr. Minard will be subject to the order of the committee, if I understand it. I wanted to ask Mr. Minard to state to the committee the facts as to the business growth of North Springfield and the business growth of South Springfield.

The CHAIRMAN. He stated that fully, did he not?

Mr. THAYER. Not quite fully.

The CHAIRMAN. If you want to call his attention to some particular point there is no particular objection.

Senator VEST. I think you will get all those facts from the other witnesses. Mr. Minard stated about that.

The CHAIRMAN. Quite fully, I think.

Senator VEST. We have only an hour, and I think perhaps you had better get somebody else on the stand for that.

The CHAIRMAN. We want to get at the marrow of it.

Mr. THAYER. I will shorten it as much as possible.

The CHAIRMAN. Lead him if you want to. Call his attention to any particular matter.

By Mr. THAYER:

Q. What is the fact with reference to the business growth of North Springfield in the last two years? Has it increased or diminished?—A. The business growth of North Springfield is not so rapid as it was two years ago. They have built two or three business blocks on the north side in the last two years, while on the south side we have a list of seventy-six, I think it is, new brick business blocks that have been erected in the last two years. We have a list giving the name of the owner of each one. On the north side there have been only three or four or five in the two years' limit; I can not say positively about the exact number.

Q. In your judgment does that indicate that there is any decadence of business on the north side?

The CHAIRMAN. That calls for his opinion in regard to the fact.

Q. Is there any such decadence?—A. There certainly is. Their best business buildings on the north side to-day are empty; they are trading them for Illinois farms or anything else they can get.

By Senator VEST:

Q. What is the difference between the rental value of houses on the north side and those on the south side? That is the best test.—A. Business houses on the north side renting for $37.50 a month will rent on the south side for $125 a month, and business houses that rent on the north side for $25 a month will on the south side rent for $75 to $100.

By Mr. THAYER:

Q. Has the common council of Springfield taken any action indicating its preference for either location? If so, what is it?—A. The common council had a meeting, called at a certain time, signifying that the site chosen—I do not remember the exact words, because we never could get hold of the papers; I have tried; we have requested Mr. Windrim and Mr. Windom to be allowed to see the papers, but never could get a chance to do so, while the other side have had the positive figures before them, but they designated their choice in a resolution which was sent on here. They chose a time for that meeting when two of our representatives from the south side were away from home, and when, of course, they had a majority on their side. We afterwards several times made application to the Department for those papers, stating the facts, but have never been able to get them.

Q. Was the council that passed that resolution elected upon any issue of that character?—A. No issue at all; no, sir.

By the CHAIRMAN:

Q. Did they pass a resolution in favor of the present location?

Mr. THAYER. Of the new location.

Q. What you say about that is that they would not have passed it if the two gentlemen who were absent had been present?—A. They would not.

By Mr. THAYER:

Q. Have you any information as to any mass-meeting of the citizens of the whole town of Springfield taking action upon the location of the building or change of site?—A. There was a mass-meeting held there in the court-house on the south side; it was held there by the north-side people. The chairman of the meeting, the secretary, and all the business men in the meeting were north side men. They held their meeting in the court-house, as we think, for effect, but there was no

notice given of that meeting; the south side people knew nothing of it. The testimony of the people who live on the south side is unanimous that they knew nothing of the meeting whatever, and that it was a meeting called and held by the people of the north side.

By the CHAIRMAN:

Q. What did they do?—A. It was a sort of mass-meeting.

Q. What did they do? Did they take any action in regard to the site?—A. They passed a resolution on that.

Q. In favor of which site?—A. In favor of the present site.

Q. The new location?—A. Yes, sir.

Q. What you say about that is that the south side people did not have any notice, and that it was the people of the north side who assembled?—A. Yes, sir; the business men there were north side men.

Q. Were you present at the election this spring?—A. Yes, sir.

Q. What was the vote of Springfield?—A. I do not know. We had the figures that were filed in the Department here.

Q. What was about the total vote of Springfield?—A. I do not know.

Q. You can approximate it, can you not?—A. I do not believe I can; no, sir. I am not much of a politician. There are gentlemen here who can tell you all about it to the exact figures.

Q. What I want to get at, if I can, is the comparative difference in the votes between North and South Springfield.

Mr. THAYER. I think we have another witness who can give it.

The CHAIRMAN. Call your next witness.

TESTIMONY OF JAMES BAKER.

JAMES BAKER, sworn and examined:

By the CHAIRMAN:

Q. You are a resident of Springfield, Mo.?—A. No, sir; I reside at Evanston, Ill., near Chicago, at present.

Q. You were formerly a resident of Springfield?—A. Yes, sir; I was there a good many years.

Q. For how long a time?—A. Ten or twelve or fifteen years altogether, I suppose. I have not been there continuously, but I think I was there about fifteen years.

Q. Are you well acquainted with the business condition and growth of that city?—A. I think I am. I am there about every month, from a few days to two or three weeks at a time. I have a good deal of property there.

Q. Are you familiar with the first location that was made of a site for a public building in the city of Springfield?—A. Yes, sir.

Q. Was that a convenient location for the business of th atcity?—A. I think so, very; quite central.

Q. What portion of the business was well convenienced by that location?—A. Well, I think perhaps 80 or 90 per cent. of it.

Q. And that proportion that you name is located within a reasonable distance of the public square in South Springfield, is it?—A. Yes, sir.

Q. In what position with reference to the public square is the business of South Springfield?

The CHAIRMAN. We have all that. Two witnesses have established that, I suppose, as completely as fifty would. I do not understand that the statement in regard to that is disputed at all.

Mr. THAYER. I confess, Mr. Chairman, that I do not know what statements are made; so counsel in this case are compelled to proceed upon the assumption that every proposition that they lay down will be denied.

The CHAIRMAN. I do not suppose the location of the public square will be denied.

Mr. THAYER. No, I fancy not.

The CHAIRMAN. Go on.

Mr. THAYER. I will make the testimony on that point as brief as possible.

Q. I would like to have you state for the benefit of the committee the fact, if you know it, as to the tendency of growth of business in South Springfield?—A. The public square is undoubtedly the center of business of Springfield. The great bulk of the business of Springfield goes more to the west and southwest than in any other direction. There has been great improvement, and a great many buildings have been put up there, in the last two years, southward and westward—more west than in any other direction, perhaps; very little north. There are two buildings that I now think of north of these railroads that pass along the creek; I mean business houses, of course.

Q. When were these buildings you last spoke of constructed—recently?—A. I say that only two have been constructed north of the railroad within the last two years, so far as I remember. The growth has been mainly west and southwest.

Q. Where are the county buildings and county jail located?—A. The county court-house fronts on the public square, on the west side; the the present jail—we built a new jail—is over not far from this new location.

Q. Is it proposed to locate the court-house at the same point?—A. I think some people propose it and others propose that they shall not do it. I am confident they will never do it.

Q. Why not?—A. Because the law forbids it, to start out with, and the schemers haven't got the power; the law forbids it.

Q. I would like to have you state, if you will, just what the facts are as to that controversy.

The CHAIRMAN. What bearing has that controversy (in regard to the location of the court-house) upon this question?

Mr. THAYER. It is one of the facts, as I recollect—and I think I am correct—alleged in Mr. Windrim's report as indicative of the public sentiment that existed in Springfield. There are several facts. One was that the common council had passed a resolution favoring this change of location; another fact was that there was a mass meeting of all the citizens of Springfield assembled in open meeting after public advertisement, and that that meeting resolved almost, if not quite, unanimously that this change of location should be made; another fact was that public sentiment there had reached that point that they proposed to put the county buildings, the court-house building, and jail in this central part where there was no business, and that therefore the Federal buildings should go there. Now, I want to ask the witness a question which will bring before the committee the fact as to whether or not such a sentiment existed.

The CHAIRMAN. Go on.

The WITNESS. Of course a portion of the people would be glad to have it moved over there, but the inhabitants of the county in general are overwhelmingly opposed to it, in my opinion, and so the schemers dare not submit it to a vote of the people. They can not raise money

without submitting the question to a vote of the people, and so they are trying to raise it in some other way in order to avoid a vote of the people, because it is well understood that the people would condemn it if they make the movement.

Q. (By Mr. THAYER.) Did I understand you to say that there is no business at that point where the jail is located?—A. There is no business there.

By Senator VEST:

Q. I have not been to Springfield for a year or two, so let me ask where they hold the Federal court?—A. On Commercial street, in new town.

Q. How did that happen? In what building is it held?—A. It is held in a private building there belonging to Mr. Atwood, or some of the speculators over there.

Q. How long has it been the case that the Federal court was held there; do you know?—A. No, sir; it was established on the south side, in the first place, in a building I own there.

Q. When was it taken over to the other side?—A. About a year ago; say, last June.

By Senator SQUIRE:

Q. Do you mean to the north end?—A. Yes, sir.

By Senator VEST:

Q. How did that happen?—A. They wanted to have the court over there. They had their ideas and speculations about it, and they furnished the house, as I understand it, without cost.

Q. Free of rent?—A. Yes, sir.

Q. So that the State courts are held in the court-house in the old town?—A. Yes, sir.

Q. And the Federal courts are held in North Springfield?—A. Yes, sir.

By Mr. THAYER:

Q. What would be the result, so far as the convenience of the whole town is concerned, if the Federal building should be located upon the proposed site?—A. The bar, of course, are almost unanimously situated in the old town where the business is, and where the people go, and of course it is very inconvenient for them and they are complaining very bitterly, and so are suitors and witnesses, about having to go there to attend court. Now, if the building is erected on the new location they will have to patronize a street-car line every time they go to the court-house from either part of the town. The advantage to the car line is that they get the custom from both towns; everybody will have to patronize it to get to the court-house; they can not get there without great inconvenience except by patronizing that line.

By Senator SQUIRE:

Q. That is a level road, is it?—A. Yes, sir; it is not very level, but it is a very good road.

By Mr. THAYER:

Q. Are there intervening railroad tracks that ordinarily obstruct travel?—A. Yes, sir; you have to cross two steam-railroad tracks that pass through east and west in the valley of Wilson's Creek, and the crossing is at grade.

Q. How as to postal facilities? I did not understand you to state

specifically as to that.—A. Of course it operates in this way: The business people have to go to the post-office, more or less; they can not well depend altogether upon the delivery. The country people for 5 miles around there most generally get their mail at the post-office. To do that they now come into the business center of the town; everybody comes there; they gravitate there naturally; "all roads lead to Rome" in that sense; and every time they come to the post-office they have got to walk over there, or else pay car fare.

By the CHAIRMAN:

Q. How far is the new location from the old?—A. It is about half a mile, I think.

Q. How far is it from North Springfield?—A. I should say about seven-eighths of a mile.

Q. What is the population of Springfield?—A. About 25,000, I think.

Q. How is it divided as between North Springfield and South Springfield, with reference to the new location?—A. The decided majority, I think, would be south.

Q. Mr. Minard stated the other day that it was about equally divided, in his opinion.—A. I supposed it would be south; I am quite sure it would be south.

By Mr. THAYER:

Q. South from what line?—A. It would be north of the steam-railroad line which cuts the town in two; the majority would be north of that, I have no doubt.

By the CHAIRMAN:

Q. How far is the new location from that?

The WITNESS. Do you mean from the steam railroad?

The CHAIRMAN. Yes, from the steam-railroad tracks that you say cut the town in two and north of which is the majority.—A. Pretty nearly a half a mile; between a quarter and a half a mile.

Q. Would the line of division of population into two equal parts be north or south of the track?—A. I should say it would be about Pine street; that would be about half way between the track and the new location. That would be my opinion; I could not say exactly, of course.

Q. Then the new location is much farther from North Springfield than from South Springfield?—A. Yes, sir. My opinion is that it will ruin North Springfield, and will not do much for South Springfield except to accommodate the people. But it will certainly have the effect of ruining North Springfield, in my opinion. I do not know whether those people there believe that or not, but that is my judgment about it.

By Mr. THAYER:

Q. Did you have anything to do with the examination or preparation of the title papers of the old location?—A. No, sir.

Q. Have you any knowledge of the execution of the deed to the United States by the Scott Investment Company, as to whether or not there was any irregularity in the deed?—A. I have looked into that question somewhat. I do not think there is any irregularity whatever, or that there was any. The alleged irregularity was that the proper secretary of that company did not attach the seal to the deed. But the company authorized another man to do it; and a corporation can

authorize its janitor to make deeds for it, if they want to. So that did not make any difference, in my judgment. I never thought there was any question about that.

The CHAIRMAN. That depends upon circumstances, does it not? It depends upon some other ground than the fact that the corporation may authorize it, does it not? In Wisconsin the law provides that a deed made by a corporation shall be signed by the president, countersigned by the secretary, and that the corporate seal shall be attached. In that case you would not claim that the corporation could legally authorize the janitor to make a deed.

The WITNESS. That is the law in Wisconsin, but I am talking about Missouri. I have been for a long time general attorney for some railroads, and I am quite familiar with that law.

The CHAIRMAN. You are stating a general proposition, and I am only calling your attention to the fact that as a general proposition it may not apply to all cases.

The WITNESS. That may be; but in Missouri, I think a corporation can authorize anybody.

The CHAIRMAN. It depends somewhat upon the articles of organization, does it not? Suppose a statute says that a conveyance shall be signed by the president, or the vice-president, and countersigned by the secretary; do you say that in that in case the board of directors could authorize the janitors to sign.

The WITNESS. No, perhaps not; I had not thought of that. But it would be a very foolish kind of articles of incorporation that should be so worded as to intentionally limit the powers of the corporation.

The CHAIRMAN. I have known it to be done frequently.

The WITNESS. It is perhaps when the law requires it.

Q. (By Mr. THAYER.) Do you know who executed the deed on behalf of the company?—A. The president executed it, and they appointed a temporary secretary to "test" it.

Q. That is, the board of directors of the company appointed a temporary secretary?—A. Yes, sir; that is the way I understand it. Now I am confident that the United States at this time owns the old location; that the title is absolutely vested in the United States and can not be gotten out of it except by act of Congress.

By Senator VEST:

Q. That is, the United States got it for $1?—A. Yes, sir. The Secretary of the Treasury having purchased that property, and the purchase having been consummated, as I understand the fact, the United States has no power to buy a new location; the power is exhausted, and they have no more right to buy a new location than I have. That is my notion about it.

By the CHAIRMAN:

Q. That would depend upon whether the conveyance was accepted by the Government, would it not?—A. Yes, sir; and as I understand it was accepted.

The CHAIRMAN. As I understand the facts, it was not; but I may not understand them.

The WITNESS. I have examined the facts with some little care. The former Supervising Architect went out there after giving notice or inviting proposals to furnish site for a new post-office, and received propositions from a number of people; he staid there two or three days examining with care, and went away from there, and recommended the lo-

cation that was taken on St. Louis street, and the Government notified these parties who make the proposals in writing that it was accepted.

Hon. WILLIAM H. WADE. It does not seem to me, Mr. Chairman, that it is worth while to go into this irrelevant talk about the site, because the Government has instituted condemnation proceedings. What is the use to talk about a proposition that has been definitely settled? What good can be accomplished by talking about what might have been done or what might not have been done?

The CHAIRMAN. Proceed, but make your statement as brief as you can.

By Senator VEST:

Q. Without interrupting the course of the testimony, let me ask—because I have never examined it—was the deed made for the old location?—A. Yes, sir.

Q. Was it put on record?—A. No, sir. But the deeds were furnished to the Secretary of the Treasury and by him submitted to the Attorney-General, who gave an opinion approving of the title.

Mr. WADE. These matters were referred to the district attorney, Mr. Kimball, who reported that that company need not make a deed, and that the deed need not be put upon record, and then these condemnation proceedings were instituted.

The WITNESS. That is another thing entirely; that was a subsequent matter.

The CHAIRMAN. Strictly speaking, that question does not arise here anyway, but if it does not take too long we do not want to stop the testimony.

The WITNESS. It will take but a moment anyhow. If they have exceeded their power, what they are doing now is void. They directed the postmaster there to proceed to employ men to probe the ground.

By the CHAIRMAN:

Q. To make what they call a survey?—A. Yes, sir; to examine the character of the ground. That is what the Secretary of the Treasury did. I think that was sufficient evidence of acceptance on the part of the Government. It does not require any acts of acceptance.

Q. Is your property located in South Springfield?—A. Yes, sir; part of it, and I have some in North Springfield.

Q. The greater part of it is in South Springfield?—A. Yes, sir.

The CHAIRMAN. Judge Thayer, call your next witness.

Mr. THAYER. I will call Mr. Murray.

TESTIMONY OF L. H. MURRAY.

L. H. MURRAY sworn and examined.

The WITNESS. I think I want to say to this committee, before I proceed further, if there is no objection, that I did not come all the way here to testify before this committee. I did not know that I was to be called in this case. But the Chamber of Commerce, which consists of more than one hundred men—and I am not a member of it—requested me to appear here and have a conversation with this committee in a different form to what seems to be going on now, and for the purpose of showing the generosity of the people of South Springfield they desired me to say that if this committee say that we were not entitled to the public building on the old location, all we would ask would simply be postal facilities over there, and that we would consent to grant to

the north end the building as now indicated, with its appropriation and all there is belonging to it, if they will remove it to Commercial street if they like, so that we would have the station, just as they have now, and be satisfied.

By the CHAIRMAN:

Q. Would you rather have it further away from South Springfield?—A. Yes, sir; we would rather the Government maintain the postal facilities we have in our part of the city. Our people feel that instead of having continual bickering and fighting they would prefer to have the station.

By Mr. THAYER:

Q. Did the Board of Trade take any definite action upon that matter?—A. Yes sir.

Q. Have you in your possession any evidence of that action?—A. They appointed us to appear for them; it was known about our appearing here.

Q. Will you submit that evidence and the resolution of the Chamber of Commerce?

The CHAIRMAN. We are not locating the public building or changing the location of the public building; we have nothing to do with that question, and we have nothing to do with postal facilities in Springfield. We can not grant them or control them. We will receive that paper later.

The WITNESS. It is simply an appointment.

The CHAIRMAN. It is not material, but we will take it later.

Mr. THAYER. I want to ask Mr. Murray—it may be open to some objection—if he has any interest in this street-railway company which is alleged to be interested in the new location or change of location?

The WITNESS. I am a stockholder in what is known as the Belt line, and I am interested to that extent. Yes, I am a director.

Q. Do you know whether Mr. Hobart, Mr. Kerens, and others of their associates own a controlling interest in that railroad?—A. I shall have to think of that before I can draw the line as to just who owns the majority of the stock. Mr. Hobart owns the largest interest in that; Captain McAfee, Mr. Denton, and myself have about equal interests with Mr. Kerens and Mr. Elkins.

By the CHAIRMAN.

Q. Where does Mr. McAfee live?—A. On the south side.

Q. And Denton?—A. On the south side.

Q. And you live where?—A. On the south side.

Q. And you, McAfee, and Denton each own the same amount of stock?—A. Yes, sir; we have equal interests, a little less than these other two gentlemen. Mr. Hobart is the largest owner.

Q. Where does Mr. Hobart live?—A. Mr. Hobart lives in St. Louis; he formerly lived in the north end.

Q. When did he move to St. Louis?—A. I think about two years ago.

By Mr. THAYER:

Q. How is the interest of the road affected by the new location; would it be benefited?—A. It would be likely to be.

Q. In what way?—A. By reason of hauling people from both ends of town. It is a sparsely-settled country, so far as business is concerned, where this location is, and the big end of town is south of it; but then there is a good business locality north of it, and as a matter of course people would have to ride to it from one end and the other.

By Senator VEST:

Q. Who owns the vacant ground around the new location?—A. Quite a number of gentlemen.

Q. Are these gentlemen who own the railroad company interested in the real estate in that vicinity also?—A. Very few of them. I do not know whether any of them own real estate immediately adjoining; some of them may be interested in real estate in that neighborhood; I do not remember.

By Senator SQUIRE:

Q. I would like to know something about the rate of growth of that city. What was the population, for instance, in 1880?—A. We were then two cities or towns. I think the south side in 1880 had less than 6,000 inhabitants.

Q. And the north side, how many?—A. Five thousand five hundred and something.

Mr. WADE. Oh, no; less than 1,000.

The WITNESS. I do not remember how it was in North Springfield, for that was ten years ago.

Mr. WADE. I know all about that, gentlemen. They had less than 1,000 population.

The WITNESS. It is probable that it has never been explained to you that what we call the new town contains half of the old original town. The old town ran a mile north of these railroads that have been described to you before there was a new town, and when North Springfield was established they had two wards of the old town given to them.

By the CHAIRMAN:

Q. What is the population of the place now?—A. I should think it was about 24,000 or 25,000.

Q. How is it divided as to population between North Springfield and South Springfield, taking the railroad tracks as the division line?—A. The railroad tracks are away in the south part of the town.

Q. Then take your own line of division.

The WITNESS. Shall I take it with reference to the new location of the contemplated building?

The CHAIRMAN. Yes.

A. I should think it was not far from a division of half and half of the population.

Q. That is, half of the people would be north of the present location and half south?—A. Yes, sir.

Q. The present location is about half a mile from the old location?—A. Yes, sir.

Q. And a mile from North Springfield?—A. Not quite.

Q. What is the condition of the country between the two places? What is it fit for—for residences?—A. For residences.

Q. Is it filling up with population?—A. Yes, sir; pretty well. Of course there are a great many vacant lots, with three or four houses here and there and everywhere all along.

By Mr. THAYER:

Q. Business houses?—A. No; not business houses.

The CHAIRMAN. It is not business houses alone that are interested in post-office facilities. But I do not mean to go into that.

Mr. THAYER. I shall explain at the proper time in regard to that.

The CHAIRMAN. Excuse me.

The WITNESS. There are no secrets about it at all.

By the CHAIRMAN:

Q. What was the vote at the spring election?—A. The total vote of the city, I think, was about 3,500 or 3,600.

Q. And how was it divided between North Springfield and South Springfield?

The WITNESS. Do you mean counting from the center, four wards on either side?

The CHAIRMAN. Yes. Take the present location; the new location.

A. If you take the present location the difference would not be very great.

Q. It would be about even?—A. Yes, sir; but if you count by ward lines, then the north side voted the most. If you take that same line as indicated by Booneville street, the new location, the population and votes would both be pretty well divided, about half and half. But if you go by ward lines, that brings you over an eighth of a mile straight down this way southwest, and going by that line the vote was largest on the north side.

Q. How much?—A. I do not know what the average was; I do not remember, because some of the candidates ran away ahead of others; I do not know what the average was; 400 votes, may be.

By Mr. THAYER:

Q. Have you any personal knowledge as to whether Hobart and Kerens have taken any active interest in the location of the building at the latest site?—A. I do not know what they did about it. I know that they were interested in it and desired its location, but I do not know what they said to the Government officers about it.

Q. Have they said anything to you about it?—A. Yes, sir; I have been over the ground with them and talked with them about it some.

Q. At what time?—A. Last fall.

Q. Before, or after Mr. Windrim's visit?—A. That was before.

Q. Shortly before, or a considerable time before?—A. I do not remember. I had never heard Mr. Windrim's name in connection with it at that time. It was indicated from this end of the line that the change was likely to be made; that they had stopped condemnation proceedings or something like that.

Q. And you opposed that location?—A. Not the location they had selected now; no, sir. We went up for the purpose of investigating at the corner of Center street and Robertson avenue.

Q. Do I understand you to mean with reference to the possible location of the building there if the change was made?—A. Yes, sir.

The CHAIRMAN. Judge Thayer, call your next witness.

Mr. THAYER. Mr. Chairman and gentlemen of the committee, I have three other witnesses present who will testify mainly to the facts that are already before the committee, and, at the suggestion of the committee made by its chairman, I have no disposition to occupy the time of the committee. The only reluctance I have in declining to call these witnesses to go over the ground is the fact that I have stated, that, as counsel for these gentlemen, I have had no opportunity whatever to ascertain from the papers on file in the Department what the allegations on the other side are, and it has been for that reason that I have been anxious to have an opportunity to inspect those papers, and then to produce such testimony as seems to me proper.

Senator VEST. Mr. Chairman, did you request that those papers be sent to the committee?

The CHAIRMAN. They are here, I believe.

Mr. THAYER. Of course I can not make a hasty inspection of them

The CHAIRMAN. You will undoubtedly have an opportunity to put in your testimony as to any material point before we get through. Have you any other witnesses?

Mr. THAYER. I am willing to stop the testimony at this point.

The CHAIRMAN. We do not want to take purely cumulative testimony as to the location, &c.

Senator VEST. Oh, no.

Mr. THAYER. We desire to reserve the right to recall these witnesses if we think proper to do so.

The CHAIRMAN. Of course we would not preclude you from an inspection of the papers, and if there is any material point about which you desire to produce testimony you will have an opportunity.

Mr. CONGER. And that that testimony shall not be considered as rebutting testimony?

The CHAIRMAN. Oh, no. What we want to get at is the facts. There is no question of order of proof in this case. Mr. Wade, do you want to call witnesses?

Mr. WADE. I want to call Mr. Wallace upon one point. He is here. That is, as to the charge made that I had an agreement with Mr. Kerens about the location of this building.

Senator VEST. Who testified as to that? Was it Mr. Minard?

Mr. WADE. Mr. Woolley.

The CHAIRMAN. I think we all came to the conclusion that we had nothing to do, under the jurisdiction of this committee, with investigating the attitude of Mr. Wade in this matter unless the Supervising Architect, whose office we are investigating, was in some way connected with it; either that he was cognizant of it, acted with reference to it, or was a party to it in some way. If Mr. Wade desires Mr. Wallace to be sworn, we will swear him if the committee agrees.

Mr. WADE. I desire him to be sworn.

TESTIMONY OF GEORGE H. WALLACE.

GEORGE H. WALLACE sworn and examined.

The CHAIRMAN (to Mr. WADE). You may interrogate Mr. Wallace, if you desire.

By Mr. WADE:

Q. I want to ask you this: Mr. Woolley alleges in his testimony that I made an agreement with Dick Kerens, of St. Louis, that I would withdraw my opposition to the removal of the site for the proposed Government building in Springfield, provided he would favor Colonel Tracy for marshal of the western district of Missouri. He alleges that you made the statement to him that you overheard a conversation between Mr. Kerens and myself to that effect. Did you ever hear such a conversation?—A. I never was in Mr. Kerens's presence nor overheard any conversation with him in any way whatever.

By the CHAIRMAN:

Q. Have you made any such statement as that to which he refers?—A. The matter of the change of site at Springfield has been a matter of common talk among Missourians that have been here in the city, and it may have been spoken of among them in this way, merely as a supposition.

Q. But you never heard any such conversation?—A. No, sir; nothing of the kind.

By Senator VEST:

Q. You made a statement to Mr. Woolley?—A. I do not remember making a statement. I say it may have been done that way, because it was a matter of common talk among Missourians here. I do not remember having made any such statement to him.

By the CHAIRMAN:

Q. Did you ever state to Mr. Woolley that you overheard this conversation between Kerens and Wade?—A. No, sir.

Senator VEST. I will ask Mr. Woolley: Was anybody else present?

Mr. WOOLLEY. I met Mr. Wallace at the Pension Building about the 8th, 9th, or 10th of September, I can not locate the date positively.

Mr. WALLACE. What was the date?

Mr. WOOLLEY. I will say it was between the 6th of September and the 15th; somewhere along there; I can not say exactly. The conversation led out in regard to Mr. Wade's action and Mr. Kerens's action, and the statement that was made to me was something like this: That Mr. Wallace was in a room of the Normandie Hotel, in this city, on the 6th day of September, when Mr. Kerens and Mr. Wade were present conversing, and in that conversation he heard enough to indicate to him that there was such a trade made.

By Senator VEST:

Q. Was anybody present except you and Wallace?—A. No, sir; because we walked aside and had that conversation in the Pension building.

The CHAIRMAN. Who did he say was present in the Normandie?

Mr. WOOLLEY. I think Mr. Wade, Mr. Kerens, and Mr. Brock. Mr. Wallace was also present in the room and said that he overheard enough in the room to indicate that trade.

By the CHAIRMAN:

Q. (to Mr. Wallace). Have you anything to say in reply?—A. Simply this, that during the whole of the month of September last I was in the hospital in Cleveland, Ohio, and I arrived in the city of Washington on the last day of October.

Mr. WOOLLEY. Perhaps I am wrong in that date. Mr. Wade came on here with Mr. Kerens on the 6th of September. Mr. Windrim went to Springfield, I think, about the 1st of October. I came on here after Mr. Windrim's return, and then I met Mr. Wallace.

Senator VEST. It must have been in October.

Mr. WOOLLEY. Yes; it must have been in October.

The CHAIRMAN. You say you never saw Wade and Kerens together?

Mr. WALLACE. I never saw Wade and Kerens together, and never knew of them being together and having any conversation. I have heard Missourians here make a good many charges, but only in conversation.

By Mr. WADE:

Q. You say that during the whole month of September you were in the hospital in Cleveland, Ohio?—A. Yes, sir.

Mr. WADE. (To Mr. Woolley.) You say that this alleged deal was made the 5th or 6th or 7th of September?

Mr. WOOLLEY. I do not.

Mr. WADE. Was not Dick Kerens on here about the time you came on here?

Mr. WOOLLEY. Mr. Kerens was here about that time. You told me yourself that there was no trade in reference to a public building, but there was a trade between you and Mr. Kerens that he should favor Tracy for marshal, and that you should withdraw your opposition to Shorty for postmaster for St. Louis. That is what you told me yourself about that time.

Mr. WADE. I did not tell you any such thing.

The CHAIRMAN. What next?

Mr. WADE. That is all.

By Senator VEST:

Q. (to Mr. Wallace). Do you recollect whether in September or October, or at any other time, you heard enough of any conversation, such as Mr. Woolley detailed as having occurred in a room at the Normandie, to satisfy you that there was such a deal?—A. No, sir; I never made any such statement to him. I never was in the Normandie when Mr. Wade was there, so far as I know.

Q. Have you made any such statement at any time?—A. No, sir; at no time.

Mr. WOOLLEY. In this connection I would like to say that I took Mr. Wallace one side in the Pension building, where he was in company with Mr. Brock, who was a candidate for Congress from Missouri. Mr. Minard stopped to talk with Mr. Brock, who is in the Statistical Department here, and while Mr. Wallace was telling me these facts that I have stated, Mr. Brock told the same story to Mr. Minard.

The CHAIRMAN. Did you hear him?

Mr. WOOLLEY. No, sir; but I take Mr. Minard's word for it.

Mr. WADE. What kind of a story did he tell you?

Mr. WOOLLEY. I have told you that Mr. Wallace and Mr. Brock were in the room of the Normandie Hotel when Mr. Kerens took you into a room adjacent to the room they were in, and after you returned to that room Mr. Wallace overheard enough to lead him to understand that there was such a trade.

Mr. MINARD. Mr. Brock told me the same thing exactly at the same time.

Mr. WALLACE. Did he say I was present.

Mr. MINARD. He said you and he (Mr. Brock) and Wade and Kerens were all at the Normandie at that time.

The CHAIRMAN. When?

Mr. MINARD. On the 6th of September.

Mr. WALLACE. I state that I never was in the Normandie Hotel with Major Brock but once, and that was last April or May.

Mr. MINARD. We compared notes afterwards.

The CHAIRMAN (to Mr. Wade). Have you any other witnesses on this fact?

Mr. WADE. No, sir. This testimony shows that I had no connection with it. It shows that it is a story made out of whole cloth. They are trying to drag me in here where I have no business. I have nothing to do with the site in Springfield, either in one place or another.

TESTIMONY OF HON. J. H. WINDRIM.

J. H. WINDRIM sworn and examined.

By the CHAIRMAN:

Q. You are Supervising Architect of the Treasury?—A. I am.

Q. Your residence is Philadelphia?—A. Philadelphia.

Q. Before asking you to make a statement as to the transactions of your office and the action of the Treasury Department, I call your attention to the fact of your journey to Springfield, Mo. It is stated that you went from St. Louis to Springfield in a private car with some gentlemen. Is that true?—A. I did.

Q. With whom?—A. With Mr. Kerens, by his invitation. I accepted that invitation simply as a matter of courtesy, and I have no apology to make for having done so. The opportunity has been offered probably——

Q. Who else was in the party?—A. The other people there were Kerens, Hobart, Churchill——

Q. Clayton?—A. Clayton and Dapray.

Q. Who was Dapray?—A. The law clerk in my office.

Q. It has been intimated or rumored that on the trip from St. Louis to Springfield the parties played a game of poker in which you joined, and that you won some money on that occasion. You may state to the committee the truth about that.—A. That is a lie, an infamous lie. There were no cards that I saw on the train or in that car. No cards were played. No money was talked of; no transactions in money were thought of. It was as quiet a trip as I would have made going alone in another car.

Q. There was no game of poker played?—A. No game of poker was played, no cards were played, and nothing improper was done on that car.

Q. Did you ever play a game of poker?—A. I never played a game of poker; I don't know how.

Q. You may go on and make your own statement in your own way in regard to this Springfield building.—A. Mr. Chairman, if you will allow me to read this report it will condense what I have to say and save time.

The CHAIRMAN. Take your own course.

The WITNESS. This is my report, addressed to the Secretary of the Treasury:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., October 11, 1889.

SIR: I have the honor to report that conformably to your request I visited Springfield, Mo., for the purpose of making a personal examination of the question of location of the proposed public building in that city, and do submit the following:

On the 30th ultimo I sent a telegram to the postmaster of Springfield, requesting him to state through the newspapers that I would arrive in said city Tuesday morning, October 1, for the purpose specified, which announcement was duly made in the issues of the Springfield Daily Leader and the Springfield Republican on the 1st instant.

The parties directly interested in the St. Louis and Jefferson streets site were advised through their attorney some days prior to my visit of the time that I would be in Springfield.

All parties, therefore, who were interested in the matter of location of the public building were duly and publicly notified of the time and object of my visit to Springfield.

Springfield, Mo., was formerly two sections, known as North and South Springfield. The latter (the old town) was upon the line of the Kansas City, Springfield and Mem-

phis Railroad, had the central public square, around which business houses became established; the former (North Springfield) grew upon the line of the St. Louis and San Francisco Railroad, with its main business thoroughfare parallel with it; the two sections are about 1½ miles apart; I am told that it is 1½ miles. The intervening city is built up with residences and occasional stores.

Booneville street is the principal business street, running north and south, connecting the two business localities, and there is street railway communication.

These two sections, North and South Springfield, have been consolidated into one city. The old town formerly extended north of the Kansas City Springfield and Memphis Railroad, about three-quarters of a mile, to Division street. The actual dividing line of the city, however, is the Kansas City, Springfield and Memphis Railroad on the north side of the old town.

During the morning of my visit, accompanied by representatives of the north side of the city, I drove through the south side and through the north side of Springfield, and looked at each of the numerous properties which had been offered for sale as a site for the building.

In the afternoon of the 1st instant, by request of a committee of representatives of the south side of the city, I again visited the southern section and re-examined the proposed location there, and the business adjacent thereto.

This committee had provided that a meeting of business men should be held at the chamber of commerce, and by request I arranged to meet them.

Upon arriving at the place it was found that the building would not accommodate the large number of gentlemen who desired to attend the meeting. Upon suggestion it was adjourned to the Grand Opera House, where it was continued, and the relative merits of the site in the south side and of sites in the north side of the city were argumentatively presented by several gentlemen whom the adherents of each of the two sides of the city selected. Upon request, the sense of this meeting on the question of location was given by a standing vote, resulting in at least two-thirds of those present expressing themselves in favor of a location in the north side, and about one-third expressing themselves in favor of a location in the south side.

During the day I met numerous prominent citizens and business men and attentively listened to statements and arguments made by them on the question of location of the building.

During the evening, being informed that a large number of citizens desired to meet me in the lobby of the Ozark Hotel, I complied with their request to be present, and listened to all expression, statements, arguments, etc., made in regard to question of site for the public building.

Several offers of property differing from those previously received at the Department were verbally made, and those tendering them were directed that such proposals must be made in writing to the Department.

While in Springfield, and particularly at the meeting of the citizens at the Grand Opera House, it appeared from individual and general expression that all parties would acquiesce in approving such location for the building as the Department may at this time determine upon.

I deem it advisable to state that there was a most pronounced contention existing between the people of the so-called south and north side of the city, instead of cooperation to harmonize interests and to promote the welfare of the municipality as a whole; also, that the matter of site for the public building was claimed to form a political question, which explained the prolonged and heretofore conflicting statements which have caused so much perplexity to this Department in its desire to determine the matter of site for the public building at Springfield.

I also found that incorrect impression prevailed in regard to the reports made by agents of the Department sent to examine the matter of location there, and in regard to the action taken by the Department in deciding to condemn the property at St. Louis and Jefferson streets.

The report of Mr. George W. Whitehead, special agent of the Department, dated May 22, 1889, emphatically disapproves of the St. Louis and Jefferson streets site.

The report of Mr. E. T. Avery, of this office, dated May 21, 1889, states that the St. Louis and Jefferson streets site is about as suitable as any in the south side of the city, if a location in the southern section is desired; and speaks of a location on Booneville street, on the north side of the city, as in every way desirable. (Said reports are herewith inclosed).

In view of the peculiar circumstances involved and the difficulty of selecting any site which would be satisfactory to all citizens of the north and south sides, there is here presented for consideration the views of the people expressed by the resolutions adopted by the city council and approved by the mayor, January 22, 1889, the substance of which is here stated: The mayor and city council of Springfield disapprove of the St. Louis and Jefferson streets site, and earnestly request that the building be located on Booneville street not farther south than Pine or farther north than Center street (which location is in the so-called north side of the city), for the reason

that such selection would harmonize all interests, end all strife between sections, and redound to the general prosperity of the city as a whole. Also, the substance of resolutions adopted by the citizens' mass-meeting January 10, 1889, gives the following—the reasons expressed are based upon the suitableness of such site for business and general convenience, for the center of population, and for the prospective growth of the city.

It is here proper to state that during a conversation with Hon. William H. Wade, who represents the Congressional district in which Springfield is located, I understood his opinion to be that the building should be located where the greatest number of citizens would be satisfied to have it; also, that Mr. Wade has repeatedly assured this Department that he intended to make an effort and felt confident that he would secure during the coming session of Congress an extension of the limit of cost of site and building from $100,000 to $150,000, or a further appropriation of $50,000; and he wished to have this considered in connection with the matter of site.

SOUTH SIDE SITE.

[St. Louis and Jefferson streets site.]

Considering the old established business in the southern section of Springfield, it would be convenient and would meet the present business requirements of that section.

The present post-office is on the public square in the south side of the city.

It is claimed that in the old town that the great business of the city is done, that the valley of Green County, to the southwest, is largely interested in the selection of a site in old town.

The selection would particularly benefit the southern section of the city only.

It is east of the business center, in a direction not improved by the advance of business.

The latest and best properties have been erected to the northward of the public square on Booneville street, between the north side of the public square and the Gulf system of railroads.

The present and prospective growth in the south side of the city appears to be northward and westward.

The principal objection raised by those favoring this location to a location on the north side is, that it would necessitate their having to cross the intervening tracks of the railroads (which run across the city east and west) to enable them to reach a north side from the south side.

The most eligible site offered in the southern section of the city is the southwest corner of St. Louis and Jefferson streets—dimensions 100 by 145 feet—and can only be obtained by condemnation, and without cost to the Government.

Papers are filed in the Department protesting against the St. Louis and Jefferson Streets site and some favoring it.

NORTH SIDE SITE.

In regard to the location of the building in the north side of the city, it appears from statistics furnished by a census, understood to have been prepared by the gentlemen of the south side, that the population north of the railroads is about three-fifths of the whole, and that the population south of them is about two-fifths of the whole.

It is claimed that a location south of Pine street will practically inure against the larger portion of the population, and deprive them of the facilities of a Federal building erected for the convenience of the public.

A majority of school-houses, churches, etc., indicating the more densely populated part of the city, is in the north side of the city.

The most valuable improvements in the city are to the northward from the public square.

Papers are filed in the Department protesting against such location, and numerous papers are filed favoring it.

The most eligible site offered in the northern section of the city is that by Foley, Perkins, and Whaley in proposal dated October 3, 1889, situated on the southwest corner of Booneville and Brower streets—commencing at said corner, thence north 200 feet, thence east 130 feet to an alley, thence south along west side of said alley 200 feet to Brower street, thence west about 121 feet to the aforesaid corner, for $100 per front foot on Booneville street—which aggregates $20,000. Said proposal was received at the Department on the 8th instant and is herewith inclosed.

There was also received on the 8th instant a telegram from Mr. R. L. McElhaney, offering lot corner of Booneville and Pine streets (dimensions not given) for $20,000. The telegram is dated the 7th instant and is herewith inclosed.

The site offered by Foley, Perkins, and Whaley (above referred to) is near the vicinity in the north side of the city urged by the resolutions adopted by the city council and approved by the mayor and the resolutions of the citizens mass meeting.

In closing this review of the case, I would state that the Department in its past action in relation to the site for the public building in Springfield was guided by the facts set forth by letters, maps, and communications on the subject, which presented the location in the south side of the city as being nearest the old business center, adjacent to the banks and moneyed institutions, and not far distant from the present post-office site.

From observation these facts are confirmed; but in addition the following are considerations that deserve thought in this case and which are peculiar to it: There are two communities of the public under one municipality, separated in their lands, tenements, and business properties into two sections, one on the south side of the Kansas City, Springfield and Memphis Railroad (called Old Town), with its important business interests allied to the railroad; the other north of the railroad, with its business interests centered more particularly at its northern limits, on the St. Louis and San Francisco Railroad. The city, however, is still laid out north of the latter road, but there sparsely settled.

In the southern section of the city the census of May, 1889, gives a population of 8,871; it contains seven churches and three school-houses. Correspondingly in the northern section of the city the census gives a population of 12,310; it contains twenty-four churches and nine school-houses, and also the Drury College, destined to be an important educational institution. It is in this section that the people willed to locate their new city court house and jail building, removing it from the center square of the old town south to a position central between the two business locations of the city.

The mayor and city council, by resolutions on file, properly attested, request this Department to place the new public building in a location between the two sections of the city, prescribing a limit which is not far distant from the south section of the city; and resolutions from a publicly called mass meeting of citizens make a similar request.

These representations, together with the expression of choice for location declared at the public meeting I attended, cause me to believe that the majority of the public favor a location for the building on Booneville street (the main connecting business street of the two sections) and between Pine and Center streets, and that such a selection would advance the growth of the city of Springfield as a whole; it would not retard the old town, and while selection there would possibly stimulate improvements local to it, such selection would not militate against the greater number and retard the growth and development of the north section of the city, and the south section would continue still.

Very respectfully submitted.

JAS. H. WINDRIM,
Supervising Architect.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.

That is the report which I made to the Secretary immediately after my return from Springfield. I am still of the opinion, from all the facts stated in the report, Mr. Chairman, that they are true. There was a second letter or paper prepared by counsel, a copy of which was sent to me and a copy to the Secretary of the Treasury, which I thought required an answer to the Secretary and which I could read if the committee desires.

Q. Is it brief?—A. I suppose eight or nine pages.

By Senator VEST:

Q. It contains the same conclusions?—A. The same conclusions.

The CHAIRMAN. You can state in a general way if there is anything new in it.

The WITNESS. This paper simply answers and denies the statements made by affidavits in that paper book.

The CHAIRMAN. That is, the printed pamphlet presented to the committee.

By the CHAIRMAN:

Q. There has been some complaint made here of your action in

regard to your not allowing an inspection of papers. It has been said that you allowed one side to inspect papers relating to the post-office site or the selection of it, and refused to permit the other side interested in the other location, counsel and others, to inspect the papers. What is the fact about it?—A. That is not true, Mr. Chairman.

Q. State the facts fully, if you please, as to inspection of the papers by gentlemen interested on either side, what your action has been, and the reason for your action?—A. Prior to the presentation of that report I do not know of any paper having been refused to gentlemen representing either side who came to see them in my office, not to remove them from the office—after that paper had been submitted to the Secretary.

Q. That is, your report?—A. My report. The Secretary read that report to a certain committee from the south side, and their counsel, who were present. They wished to take that paper away, and I said I did not think it was right that they should have the privilege of taking that paper away; that it was public property, and ought not to leave the Department. They said they could not copy it in the hurried manner in which it was read. The Secretary then said, "Well, here are the papers for you to copy, and all the papers here are at your service." True, it was late in the afternoon, but they could have staid, and I would have staid with them, if they wished. They did not. Senator Conger came to my office after that and demanded to see those papers. I told him that they were still with the Secretary, but if I had them I would not show them to him without authority from the Secretary, and asked him if he would not get that authority. He told me that he was an old Congressman, and he knew how to get those papers; that he would have an investigation, when I would have to produce all the papers. I told him that that was all right, but that I could suggest to him an easier way, a good deal easier way to get those papers, and that would be simply to get the directions from my superior officer. He left in a huff. I want to say further about the call for papers in my office that the firm of which the ex-Senator is a member——

Q. Consisting of whom?—A. Consisting of Conger, Thayer, and Coldren.

Q. Senator Conger and Mr. Thayer are present?—A. They are present. Mr. Thayer was an old employé of the office of the Supervising Architect; he is very highly respected in that office by his old companions and associates in the service.

I was made acquainted with him when I came into the office, and I felt the same feeling towards him. Mr. Thayer has repeatedly come to the office to look after papers for his clients who have claims against the Government. I saw fit to say to my law clerk that I did not wish papers that were on record in the office to be submitted to Mr. Thayer *ad libitum*. Mr. Thayer took umbrage at that, and came to see me, and wanted to say to me that he would not come to my office to ask anything improper. I told him that I did not say that he would, but that I certainly would have to have the right of assuming discretion as to what papers should be seen in my own office. Now, probably Mr. Thayer would not have the same courtesy of being shown papers in my office on account of that. The employés of my office would probably say, if he made application to see papers, that I would have to give my assent before he would be allowed to see any papers in the office.

Q. You put it, as I understand it, on the ground that he was representing builders and contractors who were clients of his?—A. Yes,

sir; and might receive information which he ought not to have, which the Department ought not to furnish to him.

Q. He representing people who were to bid on buildings, and who had claims against the Government growing out of contracts?—A. Yes, sir.

Q. Is it true that papers were shown to one side and not to the other?—A. That is not true. They were treated with equal courtesy, and I always treated Senator Conger with courtesy.

Mr. CONGER. Is there any question here about the courteous treatment of Senator Conger or anybody else?

The CHAIRMAN. No; I did not elicit that. I only asked the question.

Mr. CONGER. It has come in in this way.

The WITNESS. It was more than you did for me. I simply wish you to know it.

Mr. CONGER. I never understood that there was any lack of courtesy between us on either side.

The CHAIRMAN. We will not go into the question of courtesy. Now, I believe, Senator Vest, that you want to put some questions about the old site and the new site.

Senator VEST. I do not want to make it very extensive.

By Senator VEST:

Q. What time did you become Supervising Architect?—A. On the 26th of March, 1889.

Q. Was this controversy then pending in the Supervising Architect's office about the location of the public building at Springfield?—A. It was; yes. That was a case which, as I understood, had been laid up for inquiry.

Q. Of course you informed yourself as to the status of it as soon as you came in?—A. Yes, sir; I tried to.

Q. And you found that the location had been put in the old town three times?—A. No, sir; I found that a site had been selected, but had never been approved. I think it had been approved by Secretary Fairchild. The difficulty was in getting title, I remember. I think the stoppage was in getting title.

Q. When were you first applied to in regard to the change of that site, and by whom?—A. I think in August, by numbers of petitions. We had one petition, I think, signed by two thousand tax-payers.

Q. Who came to see you personally?—A. I was seen personally by Mr. Kerens.

Q. Dick Kerens?—A. Dick Kerens; yes, sir. I do not know of any other except a Mr. Boyd, from Springfield.

Q. Pony Boyd?—A. Yes, sir; Mr. Boyd. He used to be a member of Congress. There may have been others whom I do not remember.

Q. Kerens came to see you, then, in August?—A. I think it was in August; yes, sir.

Q. What did he say to you about the new site?—A. He said that the site selected—recollect that I had approved of the old site myself, and I did so from carefully reading over all the papers that were in the office, and I recommended it because I believed it to be right. When I went to Springfield the reason I changed my mind on that is stated——

Q. I am asking you now—if you will excuse me—what passed between you and Kerens. What did he say to you?—A. Nothing further than that he thought the site was an outrage to the majority of the people.

Q. Did he state to you what his interest in it was?—A. No, and I did not know but what Mr. Kerens was at that time a resident of Springfield.

Q. You did not know it?—A. I did not.

Q. When did you first ascertain his interest in the matter?—A. I found out more of his interest in the matter at this public meeting that I attended at Springfield than I knew before, and I am rather surprised at the statement that is made in this paper book here, and which is referred to by Mr. Thayer, that this peculiar interest was stated before the Secretary and me when I was present. I have not that recollection.

Mr. THAYER. Senator Conger and myself were both present.

Q. (By Senator VEST). You do not know of anybody calling on you personally about it before you started out, except Kerens?—A. Kerens and Boyd.

By the CHAIRMAN:

Q. You had received this petition before that?—A. Yes, sir; we had received petitions before that.

Q. Signed by two thousand?—A. Signed by two thousand taxpayers.

By Senator VEST:

Q. Did you get papers from the other side remonstrating against any change?—A. Yes, sir.

Q. Then you knew of this controversy, as a matter of course, which was a very bitter one and which was raging at the time?—A. Yes, sir.

Q. How did you happen to go out there in person? Is not that an unusual proceeding?—A. I went there by request of the Secretary of the Treasury.

Q. Mr. Windom requested you to go?—A. Mr. Windom sent for me and requested me to go.

Q. What time did you leave here?—A. I think I left on the last day or two in September.

Q. Who went with you?—A. Mr. Dapray, my law clerk, met me in Philadelphia and went with me from there to Springfield.

Q. What time did you reach St. Louis?—A. I reached St. Louis on Sunday morning, I think it was.

Q. Where did you stop there?—A. At the Southern Hotel.

Q. Did anybody meet you there at the depot?—A. No, sir.

Q. Where did you first meet Kerens?—A. I saw Kerens on Sunday morning, about 12 o'clock, I think.

Q. Did he call on you?—A. No, sir; we called on him.

Q. Kerens had seen you here, as I understand, some time before, in regard to the change of site?—A. Yes, sir.

Q. You knew he was interested in the change of site. How did you happen to call on him?—A. Because the office told him he would be notified, just as the others were notified, when I would go to Springfield. He was officially notified from my office.

Q. When did you notify the parties at Springfield?—A. I notified the parties at Springfield through their attorney. There was a special arrangement made with the attorneys that they should be notified, so that they could notify their people who were to be subpœnaed or who were to be notified to be present at a certain time in court, which it was necessary for them to know in advance.

Q. I am talking about your trip out there.

The CHAIRMAN. That is what you are talking about, is it not?

The WITNESS. Yes; exactly.

Q. (By Senator VEST.) Did you inform their attorneys before you left here?—A. Yes, sir.

Q. At what time?—A. I think two weeks prior to my leaving.

Q. That you were to start at a certain date?—A. Yes, sir; that I would be in Springfield on the 1st day of October.

Q. When you got to Springfield had you given Mr. Kerens any notice prior to that time?—A. I think he was notified; I think there was a letter written.

Q. You notified him at the same time you notified others?—A. Yes, sir.

Q. But you never notified the people at Springfield except through their lawyers?—A. That is it, sir.

Q. So that instead of Kerens calling upon you, you hunted up his house, did you?—A. I did not have any hunt after it, sir. I called upon him.

Q. You had never been before to his house?—A. I did not have to hunt it. I called upon him.

Q. I hope you do not object to the word "hunt." You had to look in the directory to find out where he was?—A. It is not as good a word as the other.

Q. Suppose you say you discovered his residence?—A. No; I didn't discover it.

Q. Who accompanied you there?—A. I went with my clerk, Mr. Dapray. We found in the directory where he lived, and went and found his house.

Q. Then you hunted in the directory?—A. We found his house; we located him by the directory.

Q. You discovered, explored, investigated?—A. That is it.

Q. You have a large vocabulary on that subject. You found Mr. Kerens?—A. Yes, sir.

Q. On Sunday morning?—A. On Sunday morning.

Q. You did not go to church with him?—A. No, sir.

Q. You had a talk with Kerens and told him where you were going?—A. Yes, sir.

Q. How did you happen to go with him in his car?—A. He said that he was going and I would be quite as comfortable with him in his car as I would in the train. It was simply a matter of courtesy extended to me, sir, and nothing more.

Q. When did you see Mr. Hobart?—A. I saw Mr. Hobart at the same time with Kerens; he was there.

Q. He was at Kerens's house?—A. Yes, sir.

Q. Did they seem to be expecting you or awaiting you?—A. No, sir; they had no reason to be. I think they were walking together when we went there. We found them some distance from the house.

Q. Where did you find Powell Clayton?—A. In the car going to Springfield.

Q. When did you leave for Springfield?—A. We left on Monday night at 8 o'clock, I think, or somewhere in that neighborhood.

Q. So you staid overin St. Louis from Sunday morning until Monday night?—A. Yes, sir.

Q. Did you see anything more of Kerens during that interval?—A. I did not see Kerens until we left, I believe.

Q. Did you see Powell Clayton?—A. No, sir, neither of those. I may

have seen Kerens at the post-office building on Monday; I am not quite positive about that; but I had no engagement with them whatever.

Q. On Monday night you left for Springfield?—A. Yes, sir.

Q. Did you give any notice to the people of Springfield that you were coming?—A. Yes, sir; but very inadvertently. I should not have thought to have sent a telegram to Springfield, if it had not been suggested by my clerk. I thought they knew it.

Q. Did you send them a telegram from St. Louis?—A. No; it was sent en route; we had only left St. Louis a short time.

Q. Then you went down to Springfield in the private car of Kerens as his guest?—A. Yes, sir.

Q. It was your intention to go to Springfield?—A. Yes, sir.

Q. To investigate this matter?—A. Yes, sir.

Q. Did you contemplate going any farther?—A. No, sir.

Q. Did you accept any invitation or make any arrangement to go down to Eureka Springs?—A. No, sir.

Q. It was never your intention to go there?—A. No, sir.

Q. At what time did you arrive at Springfield?—A. I think it was Tuesday morning about 8 o'clock; I am not sure of the exact time we arrived, but probably it was about 7 or 8 o'clock.

Q. Where did you go in Springfield?—A. We went to look at all the sites that had been offered for a public building in Springfield.

Q. Did you get breakfast at the hotel or on the car?—A. We got breakfast on the car.

Q. Who went with you to look at the sites? Did any committee meet you there?—A. Yes, sir. There were Bentley, Wallace, Robertson, and several other gentlemen whom I do not remember. I think there were two or three carriages.

Q. Did it ever suggest itself to you that there was anything improper, when you went out there in a semi-judicial capacity for the Government, in your accompanying these gentlemen in their private car, they having an interest in the result of your investigation?—A. No, sir; it never occurred to me that I was doing an act that might even be criticised, or I should not have done it.

Q. You never have thought so?—A. I have thought that it had been better that I had not gone, simply because it has happened to give the opportunity for this malicious and false statement that has been made here.

Q. When you met these gentlemen you have enumerated at Springfield, you went right straight to look at the sites, did you?—A. Yes, sir.

Q. Did you investigate both sites?—A. Yes, sir; we went to the south side first.

Q. Was anybody from the south side with you?—A. No, sir; I think not.

Q. Did you inquire to ascertain whether anybody from that side was present?—A. No, sir; I made no inquiry about it.

Q. What time did you intend to leave?—A. When I got through with the business I went there for.

Q. Did you not say you were going away at 11 o'clock?—A. No, sir.

Q. You made no statement of that sort?—A. No, sir. I was very much surprised to find that one of these gentlemen knew so much about my contemplated trip to Eureka Springs and had stated it in an affidavit—he was the one that told me—a man who has made a sworn statement that I was going there, and puts it as a matter of surprise that I should not go; he has sworn that this arrangement was all made, and that I understood all about it.

By the CHAIRMAN:

Q. To go to Eureka Springs?—A. Yes, sir.

By Senator VEST:

Q. When you were examining into both these sites you were accompanied by persons entirely from North Springfield?—A. Yes, sir.

Q. What time did you meet the other side?—A. We met them first, I think, about half past nine or ten o'clock in the morning. They called on me; met me, I think, at the jail site, where they were erecting a building.

Q. As a matter of course, then, all you heard from the parties you were with was in favor of the new location?—A. Yes, sir; they were favorable to the north side location.

Q. And coming down from St. Louis to Springfield you heard nothing except what was in favor of the new location, did you? You knew that the party in that car were all for that location?—A. Yes, sir.

Q. And nothing was said to you whatever as to the other location?—A. No, sir.

Q. What time was it when you went to the hall for this first meeting?

By the CHAIRMAN:

Q. Allow me. What occurred after you met the committee of the south side gentlemen?—A. I made an arrangement to meet them, I think, at 2 o'clock; they were to call for me at either 2 or half past 1 to attend a meeting.

By Senator VEST:

Q. What time did you go to the first meeting?

The WITNESS. At the hall?

Senator VEST. Yes.—A. I think 2 o'clock was the hour fixed for that.

Q. That is when you agreed to meet them?—A. Yes, sir; to go there to be at the meeting.

Q. Something has been said about an attempt at a meeting and trying to get into the hall. Where was that?

By the CHAIRMAN:

Q. Did you ride around, before this meeting, with the committee from the south side to look at the sites?—A. Yes, sir. This committee from the south side had a meeting at the Center Square, at one of the halls there, and we drove there, and there was quite a concourse of people in the square, the open space. They came to the carriage and said they could not get into the hall. I think Mr. Woolley was with me. They said they could not get into the meeting, that they were locked out. I said, "If these people want to get in shouldn't they all get in?" Mr. Woolley said that that was the meeting I was to go to, in that hall. I said, "If these others wanted to attend the meeting I thought it ought to be a meeting for everybody who wanted to come out, and asked if there was not a hall large enough to accommodate them all?" Some one on the outside said, "Yes; the Opera House would accommodate them all." Then I said, "Let us go to the Opera House." I think Mr. Woolley or some gentleman said that that was out in the country. And I then made the remark, "I guess we had better go to the country then." They hesitated some little while, until they notified all their people in the hall that they were going to adjourn to the Opera House. After I had seen the crowd leave for the Opera House I said to Mr. Woolley, "I think we ought to go there; we have promised those people to go." He said, "Never mind; I will take you to the meeting.

it will be time enough." Then I said if he did not want to go, I would get out and walk, for we had promised to be there and I was going to go. After a moment's hesitation he ordered the driver to take us there, and we went to the Opera House to this public meeting.

By Senator SQUIRE:

Q. Something was said about you not being able to get into this first meeting, and that you were excited.—A. I was not any more excited than I am now, Senator. There was no necessity for any excitement at all. I did not try to get into that hall at all; I did not leave the carriage, was not asked to leave the carriage.

By the CHAIRMAN:

Q. What happened at the meeting?—A. I have forgotten who presided at the meeting, but there was a presiding officer, and the meeting was addressed by, I think, two gentlemen on each side—two gentlemen in favor of the north side and two gentlemen in favor of the south side. Those in favor of the south side were, I think, Mr. Cravens and Mr. G. P. Peale; and the other gentlemen on the other side were Mr. Boyd and Mr. Ramsey. After the arguments were made, I think I was asked if I wouldn't have something to say. I simply requested, through the president, that he would take the sense of the meeting as to their choice of location of the public building, whether on the north side or the south side. There was a vote taken in that way, and there were at least two-thirds of the people stated to be in favor of the north side location.

Q. Was the room full of people?—A. The room was pretty full.

Q. Then what happened?—A. Then the meeting adjourned, and with the south side people I drove over the city again.

Q. With whom?—A. Mr. Woolley and his friends, the south side people; they drove me over the city again.

By Senator VEST:

Q. Did you state to them that it was not necessary to go around, that you had been all over that ground once before?—A. I think I made that remark; yes, sir; and I made it when a gentleman who was sitting in the carriage told me on one of the back streets, where there was a cellar being excavated for a private residence right in line with another row of houses, that that was the location for a great big store; I turned to him and told him that that looked like the site of another dwelling-house, that I had been all through there before in the morning.

Q. You make some statement in your report that I want to ask you about.

The CHAIRMAN. Before you come to that let me ask him.

By the CHAIRMAN:

Q. Were there any other hearings?—A. No other hearing.

The CHAIRMAN. That is all.

By Senator VEST:

Q. Did you leave that night or the next day?—A. That night.

By the CHAIRMAN:

Q. Where did you go?—A. Right through to St. Louis, and there made connection and came through to Washington.

By Senator VEST:

Q. You came back in the same car in which you had gone there from St. Louis?—A. Yes, sir.

Q. And with the same people?—A. With the same people.

Q. Coming back did you discuss this matter of the location of the public building at Springfield?—A. No, sir; I think I can say there was very little talk, either coming or going, on the matter of the site question; there was very little conversation about it, sir.

Q. You make the statement in your report that three-fifths of the people of Springfield live in North Springfield?—A. Yes, sir.

Q. And two-fifths in the old town. Where did you get that information? Did you prepare this report yourself?—A. Yes, sir. I got it in this way, Senator: there is no dividing line in Springfield any more. The people of South Springfield, when they want to risk a guess on the population, selected what was an old imaginary street division line which is way up in the territory which is properly North Springfield; when they want to risk a location for a public building they do not want to count over to the boundary line at all, for that would be detrimental to the selection of a place within the south side. The natural and actual dividing line of Springfield is that of the railway system, the Gulf system of roads. That cuts the place in two, and that is the bridge that has to be crossed.

Q. Does it not seem to you the fairer way to run that division line would be, with reference to this particular case, through the location of the public building, as we are considering that matter? In other words, do you not think that in order to arrive at what we are trying to get at here (the matter of the location) you ought to take this proposed new location and see how many people are north and how many people are south of that?

The CHAIRMAN. About half and half.

Senator VEST. Would not that be fair?—A. That would be sufficiently fair.

Q. Do you undertake to say that three-fifths of the people are north of that location?—A. No, sir; but I suppose probably fully half the people are.

Q. Then you now modify your report, or at any rate explain it in that way?

The CHAIRMAN. He takes a new line.

The WITNESS. The railroad is the line.

Q. (By Senator VEST.) You admit now that the location of the public building would be the proper place from which to start your division line, or at which place the division line should be located?

The CHAIRMAN. Having reference to this subject?

Senator VEST. Yes; of course we do not care for any other.

Q. Understand me. Suppose you take this point as the public building, and run a line through that east and west; would it not be fairer to see how many people are north of this line and how many people are south, because we do not care anything about the railroad?—A. If you take it that way, there are, I guess, half the people on either side.

Q. Then it would be about equally divided as to population between the north and south parts of the city with this valley between?—A. I think it might be.

Q. In your report you make another statement: That the valuable buildings, business and otherwise, are in North Springfield?—A. No, sir; they are on Booneville street, between the Centre Square and the railroad. There are many properties built on that street, new properties, and I called the attention of these gentlemen to it when I was there talking with them about it, that their better business was going towards the north as indicated by these improvements.

Q. I did not catch the import of your report then. Will you read that part again?—A. Yes, sir; I think I stated that distinctly. I say in my report:

The latest and best properties have been erected to the northward of the public square on Booneville street between the north side of the public square and the Gulf system of railroads.

That I still think.

Q. So that your conclusion was that it was best for the Government and for the people out there to give them the old location which cost the Government nothing, and pay $20,000 for the new location?—A. The matter of cost was not the consideation in the matter; it was which was the best site for the public building.

Q. You know now what the new location cost, $20,000?—A. Yes, sir.

Q. And the old one cost nothing?—A. Yes, sir.

Q. I ask you now, do you now think it for the interest of the Government and the public to pay $20,000 for this new site rather than to have the other donated?—A. Yes, sir.

Senator VEST. I do not care to ask anything more.

The CHAIRMAN (to Mr. Thayer). Is there any question you desire to put?

Mr. THAYER. This is a personal matter between myself and Mr. Windrim, not of much importance, except perhaps to me individually. Mr. Windrim assigned, as a reason why possibly some denial had been made to me to see papers in his office, the nature of the business I had in the Architect's office, and stated that some occasion had arisen at some time when I had shown some umbrage.

The CHAIRMAN. He did not intend to reflect on you.

The WITNESS. No reflection on you was intended.

Mr. THAYER. I would like to ask him a few questions, if the chairman will permit me.

The CHAIRMAN. I have no objections.

By Mr. THAYER:

Q. I understand you to say, Mr. Windrim, that I was in the habit of frequently coming to the Supervising Architect's office and asking for papers, and that you thought, inasmuch as I was an attorney representing parties I might get papers or see papers that I was not entitled to see, and that you had given a certain order or directed your clerks to not allow me to see papers. That was very proper, and I have no criticism to make in regard to that. Now, I want to ask you whether you have any knowledge of my ever having asked for any papers in the Supervising Architect's office in this or in any other case?—A. Yes, sir.

Q. How many times?—A. It was some time ago much more frequent than it has been lately. When I first went into that office I found you there very frequently.

Q. Did I ever come to you and ask for papers?—A. No; you did not come to me, but you came to my clerks.

Q. Have you any knowledge of my ever having gone to your subordinates and asking them to see papers?—A. I understood that that was your business.

Q. Have you any knowledge of the fact; you have stated that I did repeatedly.

The CHAIRMAN. He says he understood you to ask the clerks, but not him.

Mr. THAYER. Probably I recall the occasion when you say I showed a little umbrage because of your denial of a request of mine.

Q. Do you now recall the circumstance of that case?—A. I think I do.

Q. I asked your permission to see such papers. What was your response; can you recall?—A. No; I can not.

Q. Did you not use this language: "Judge Thayer, I would be very glad to give you these papers, but if I give them to you I will have to give them to somebody else;" or something to that effect?—A. I might have said that; just about that.

Q. Was not that the occasion and was not that the language which aroused me?—A. I don't know whether it was or not. I did not mean to arouse you. I did not mean to say anything offensive.

Q. I said to you then very decidedly, because I felt it, that I did not come there to ask for something that I did not think I was entitled to, and when I was denied I wanted you to deny me because I was not entitled to what I asked, and not on personal grounds, because I did not ever come to you on personal grounds. That is not very important, but it has been testified to. Now, I want to ask you this other question: You have stated here in your testimony to-day, and I think you ought to recall it—do you not recall the occasion when Mr. Conger and myself and two gentlemen from Springfield were before Secretary Windom when you were present, and when Senator Conger made a distinct and decided statement of the facts that these gentlemen, our clients, claimed that Messrs. Kerens, Hobart, and Elkins were interested in this matter, and that they were pushing very violently with a view to securing this change of location; that they were non-resident people; and Senator Conger made the statement that that interest and that kind of influence should have no weight in such a controversy as this? Do you not recollect Senator Conger making that statement to the Secretary?—A. No, sir; I do not recall it. I do not say he did not make it. I want to say candidly that I did not take it in if that was said. I knew only of Mr. Kerens's interest in that railroad when I went to Springfield. That was the first I knew of his being interested in it. I really thought the man lived in Springfield.

Q. I think in your statement you have unconsciously done me a great injustice. So far as my knowledge goes there have been only two occasions in which I have asked for papers in the Supervising Architect's Office or asked for permission to see papers; the one case was the one I have just cited, and the other case was when I went to your law clerk about the case, and he said you were absent, and when I asked in your absence whether he would permit me to see those papers he said he did not feel at liberty to do so, and suggested that I go to the Secretary of the Treasury. Did your office never receive and act upon a written request made by myself, addressed to the Secretary of the Treasury, some five or six days, I think, before your report was submitted to the Secretary of the Treasury, or before it was read to us as counsel—I speak from memory now—requesting that we might be permitted to inspect all the papers in the Department relating to this controversy?—A. I never saw such a paper. If I had your request would have been complied with, Mr. Thayer.

Mr. THAYER. Now, Mr. Chairman, I have no more questions to ask.

By the CHAIRMAN:

Q. What is the custom of the office as to treating the reports of the agents of the Department on the selection of sites as confidential papers?—A. I think they are so considered, and I think there is an existing rule of the Department which deprives any officer in the Depart-

ment of the power to submit papers to any one except an attorney, and he has to give an affidavit as to what use he will put them to.

Mr. THAYER. That is with reference to copies of papers.

The WITNESS. I think there is a general law; that is what I have been going by.

By Mr. THAYER:

Q. I understood you to state—and if I am not correct you will correct me—that it was not the custom for the Department to allow attorneys or parties in interest to read such a report as yours?—A. Yes, sir; I think I said so, and I think you had evidence that prior to that I would not allow you to have papers. I think you knew that that was my ruling, and that is the very thing you are now complaining of.

Q. You say you never saw a request made by us as attorneys for these parties that we might be permitted to inspect all the papers in the Department relating to this controversy?—A. Yes, sir.

Q. You were of the opinion at that time that it was not proper for us as representing the people interested in the site in South Springfield to see your report and understand on what ground you based your recommendation?—A. No, sir.

Q. Did you entertain that view at that time with regard to the custom of the Department?—A. My thought was this: that it was not the custom of the Department to give such papers without good authority. If you had obtained the authority of my superior officer you should have had them. That was the ground I took, I think—that it was the business of my superior to decide whether you could have those papers or not and not mine.

Senator VEST. I want to ask something about this plat.

Mr. THAYER. I want to say one thing more, Mr. Chairman, in regard to the bare fact as to what statements were made by the counsel to the Secretary. I am prepared and shall desire to make my statement to the committee under oath. I desire to be sworn on that question at the proper time.

By Senator VEST:

Q. Here is the public square noted on this map, and here is the new site; where are those valuable buildings you talked about?—A. Down here [indicating].

Q. Are those two blocks there?—A. Yes, sir. There is no place in here [indicating] for a location of a public building. There is no business here. There is where business is going, if anywhere.

Q. But here is the business part of town down here?—A. Right around that square and on that street.

Q. And these buildings you are talking about are on these two lots immediately north of the court-house?—A. Yes, sir.

Q. And in here there are no buildings except a few residences?—A. I think there is that one block of property there, but the real business houses, bricks and mortar and all of that kind of houses, are around the square, except the custom house. There is the city hall, and that is the only building of any character on the public square.

Q. How far is it from those valuable buildings to the old site?—A. Probably two blocks.

Q. How far is it from there to the new site?—A. About four blocks.

Q. And you have to cross both of these railroads?—A. Yes, sir; but still here is the business in here [indicating], and it is growing and it is bound to grow.

By the CHAIRMAN:

Q. Is the railroad so situated that it can be crossed by a viaduct?—A. There is no question about that. These gentlemen who come here say you must take that site. The men on the north side say, give us the site anywhere within a range of five or six blocks to put it in. But these men are specific and say that you must put it right there in that spot. I think there is a particular interest in that. Some of them can stay here and live here six or eight months at a time, I suppose.

Senator VEST. I understand that the citizens of Springfield have raised money to pay their expenses here, and that they have donated that site to the Government. In one instance the Government has to pay $20,000, and in the other instance the Government has to pay nothing. I represent the whole town and I represent the whole people of the United States, and so I want to know why we are giving $20,000 to boot. That is what I am after. Here we are giving $20,000 to boot between these two locations. I represent the whole people of the United States on that question as well as the people of Missouri. I think I ought to make about the same kind of a bargain for the whole people as I would for myself.

The CHAIRMAN. It is sometimes better economy to pay something for a site than to get it for nothing. So that is not conclusive.

Mr. CONGER. May I ask a question?

The CHAIRMAN. Yes, sir.

By Mr. CONGER:

Q. There were requests from me personally, to the Secretary in your presence and to yourself, to see public papers affecting the matter in which I was employed, were there not?—A. Yes, sir.

Q. Both before the time we met the Secretary and afterwards?—A. If before I think you were always accommodated.

Q. I never saw the papers, did I?—A. Then it was not before.

Q. At the time we met the Secretary and your report was read did not the Secretary say there in your presence in answer to the complaints made by us, "You shall see all the papers in the case?"—A. He offered them to you right there at that time.

Q. I am not speaking of that. He said, "Here they are." I said, "There is not time in the half hour now before the office closes to go through that mass of papers; can we get them so as to see what we have to meet?" He said, "Yes, you shall see them in the presence of Mr. Windrim."—A. I do not remember him saying that, but I remember you telling me that he had said so, and I remember me telling you that it would be very easy for him to put that in writing.

Q. I want to ask you if, in your presence and in the presence of Mr. Thayer and other gentlemen, I did not complain that these papers could not be obtained, that we could not know what representations were made to the office, and that, as a matter of public right, we ought to see them; and he said, "Yes, you can see all these papers; here they are now."—A. Yes, he said that.

Q. And I said to him, "There is no time now"—it was late in the afternoon, if I recollect rightly—"there is no time now to examine that mass of papers; we want to examine them and have the right to examine them when we can." He said there was no disposition to keep those papers at all; "You can examine all the papers." Now, after that I went to your office, as I thought, in pursuance of that permission given by the Secretary in your presence, and asked to look over the papers.—A. You stated to me, as you remark, and I told you if you got

the authority you could have the papers; that it was a very easy matter for him to put his name on a card directing me to allow you to see the papers.

Q. Publicly in your presence he had said that we should look at the papers.—A. That is all right. Some one else might have said so.

Q. I am not talking about other people. Did I not tell you again that in your presence when we were before the Secretary the Secretary had said I should see the papers?—A. Yes. He offered them to you at that time. I don't know that he said you should see them next day or a week hence; I don't know that, but I do know that he offered them to you then and there.

Q. Did he not say generally that it was right that we should see the papers presented by the other side, and that we should see them?—A. I don't know what he said to you generally.

Q. You were present.—A. I don't know what he said to you. I gave you the full opportunity of getting the papers by going to the Secretary and getting authority from him to see them, and then you told me you had an easier way.

Q. The request was made in writing for that, and you say that never got to your office?—A. No, sir; if it had, you would have seen the papers.

By Senator VEST:

Q. Have you indexed these papers?—A. Yes, sir.

Senator VEST. Let me see that index.

Mr. THAYER. Mr. Chairman, I would like to have you ask if these papers submitted here to-day constitute all the papers filed in this matter.

The CHAIRMAN. You can ask it. (To the witness.) You have heard the question; you can answer it.

A. I understand they constitute all the papers that have been filed on this subject on either side.

Mr. DAPRAY. Do you understand that these papers are all that are filed in this case up to this time?

The WITNESS. All these papers—I mean all the papers that are in the office, to my knowledge.

Mr. THAYER. Are they original papers?

Mr. DAPRAY. They are original papers.

The CHAIRMAN. We do not want original papers.

Mr. THAYER. There are sundry maps and papers that are of importance to us.

Q. (By Senator VEST.) Mr. Windrim, when you left Washington where did you think Kerens lived? You say you had a conversation with him in August?—A. Yes, sir; at which time I did not know where the man lived.

Q. When did you first find out where he lived?—A. That I can not answer directly. I did not know then, when I first met him. When he came to my office I did not know him. I can not tell you how I found out where he lived, whether it was by any communication he wrote to the office or not.

Mr. DAPRAY. It was from papers received. He wrote a letter of advice to you.

Q. What time was it you went out there?—A. The latter part of September.

Q. You had never seen Kerens personally but once about this matter, but you had received communications from him?—A. Yes, sir.

Q. In relation to a change of site?—A. Yes, sir.

Q. I see by this index that a letter was received by your office on September 4, 1889, from members of the Merchants' Exchange of Springfield, and laid before the Acting Secretary of the Treasuary, Hon. George H. Batcheller, about a reconsideration of the whole case in connection with the verbal statements made by the Hon. R. C. Kerens, and it was decided that the Attorney-General should be requested to instruct the district attorney to take the necessary action to secure a suspension of proceedings in regard to the condemnation of the site on Jefferson street property until further advised. That is September 4. I understood you to state that you never had any interview with Kerens except in August. What do you mean by saying in that entry "in connection with verbal statements made by the Hon. R. C. Kerens" it was decided that condemnation proceedings be stopped?—A. Just what it says there exactly, Senator. I told you that when I met Kerens it was in August. I do not want to say to you that I did not meet Kerens any time after that, for I think, perhaps, he was in our office after that, though I do not know.

Q. You said that you had an interview with him in August; then I asked you if you had any other and you said no, that the next time you saw him was in St. Louis?—A. I would like to know the letter that that refers to.

Q. It says September 4, and I have read it just as it is.—A. That is not my work. That is the brifing of somebody else.

Mr. WADE. It refers to the action of the Secretary of the Treasury.

The CHAIRMAN. Gentlemen, the members of the committee must soon go into the Senate Chamber.

Senator VEST. Of course all this is the action of the Department, because this gentleman (Mr. Windrim) is only at the head of one bureau, but these papers are in his charge.

Mr. WADE. My understanding was that the Secretary stopped the condemnation proceedings.

Senator VEST. September 23, 1889, Hon. R. C. Kerens was advised that Supervising Architect James H. Windrim would be at Springfield, Mo., October 1, for the purpose of making a special examination as to the proper location of the building. September 26, 1889, James H. Windrim, Supervising Architect, left the Department for the purpose of examining the various parcels of land, etc. It appears from these memoranda that you gave notice September 23 to Kerens, and left three days afterwards.

The WITNESS. Probably Senator Conger will know the date of the interview at which he and Mr. Thayer appeared before the Secretary and myself, when I arranged to go, I think, in ten days.

Mr. THAYER. Arrangement was made some ten days before the 1st of October, and Mr. Windrim said at that time that he would be in Springfield by a certain date or between that time and the 1st of October.

The WITNESS. You fixed the limit.

Mr. THAYER. That reminds me that you said that you advised Mr. Conger and myself, as counsel for our firm, of your proposed visit to Springfield.

The WITNESS. Yes, sir.

Mr. THAYER. How was any such information given?

The WITNESS. You were advised in the presence of the Secretary and myself, after the Secretary had sent for me to be present, and you

stated that you must know the time, that the time must be fixed, because you wished certain people notified.

Mr. THAYER. Yes, on or before a certain date.

The WITNESS. Yes, it was fixed then and there that I would be there on the 1st day of October. I know the Secretary would be able to fix that.

Mr. THAYER. That you would be in Springfield on a certain date?

The WITNESS. Yes, the 1st of October. The limit of time was fixed by you, Mr. Thayer. I will leave that to the Secretary; you can ask him all about it.

Mr. THAYER. I was going to your office constantly from that time until I was given verbal information by Mr. Dapray that you had gone, for the purpose of ascertaining when you would go to Springfield.

The WITNESS. I will let the Secretary answer that question.

Mr. THAYER. I did not understand it as you understand it. That is not material, but I think we shall agree that the Springfield people were very anxious to have the examination made by whoever the Secretary would send, and he afterwards concluded that Mr. Windrim himself should go. The reason why it was desired that that examination should be made so early was that if it should happen to be in favor of the south side, the term of court which would sit thereafter, on the 16th, might take up the condemnation proceedings and give the ten or twelve or fifteen days' notice required by the statute to the parties interested. That was the point we made. Mr. Windrim had told me that he thought he would be able to get there by the middle of October.

Mr. WINDRIM. Yes, the 15th of October.

Mr. CONGER. I urged—the Secretary being present—that Mr. Windrim should go there soon enough to examine this matter, so that if he should report in favor of continuing the old site, and the Secretary should decide that way, there would be time enough to give notice, to the parties in interest, of the condemnation proceedings. That was the point then?

The WITNESS. That is it.

Mr. CONGER. The only thing that was important for me to know was whether he would go to Springfield early enough to have this notice given afterwards. Mr. Windrim on that occasion, after hearing these things, said, as I recollect it, "I will go soon enough for that notice to be given after I shall have gone there and returned;" and I said, "Probably it will need ten days—I do not know what the rules of court are—but probably ten days, in which to serve these notices, and a little more, from the time instructions are sent from here."

The CHAIRMAN. Here are some affidavits from Mr. Kerens and other gentlemen who were on that car, all swearing that there was no poker-playing on that occasion. I will put them in.

The affidavits are as follows:

I, Powell Clayton, being duly sworn, depose and say, that on or about the 30th day of September, 1889, I was in the city of St. Louis on business connected with the Eureka Springs Railway Company, of which I am president; that upon my arrival at the depot that night to take the train for my home at Eureka Springs I met there my friend R. C. Kerens, who informed me that he and some other gentlemen were going to Springfield upon the same train. Upon his invitation I entered his car, where I found Messrs. Hobart, Churchill, Windrim, and another gentleman, whose name I now forget. I rode with these gentlemen about twenty minutes, during which time the conversation was of a general character. The only allusion to the Springfield public building question was made by Mr. Windrim, who informed me that he was on his way to Springfield to try and settle it.

During the short time I remained in the car there was no game of any kind played or even suggested, and so far as I know, no game was played then, or elsewhere by any of the gentlemen present on the occasion.

I have never played any game of any kind whatever with Mr. Windrim, nor have I ever seen him play with any other person, and with the exception to the allusion to the public building question by Mr. Windrim, as aforesaid, I have never talked with him upon the subject.

After remaining in the car about twenty minutes as aforesaid, I bade the gentleman good night and repaired to my own sleeper, and did not see any of them again during that trip.

I have not one cent's worth of property or interest in Springfield, and with the exception of a few hours spent there, several years ago, waiting to connect with a train for Kansas City, I have not been in Springfield for twenty-seven years. I have no interest, directly or indirectly, in the location of the public building there, and do not know in what part of the city the location is.

POWELL CLAYTON.

Subscribed and sworn to before me this 2d day of April, 1890.

[L. S.]

T. L. CRAWFORD,
Commissioner United States Circuit Court,
Eastern Division, Eastern Judicial District of Missouri.

I, James O. Churchill, being duly sworn, depose and say, that on Monday afternoon, September 30, 1889, the Hon. James H. Windrim, Supervising Architect U. S. Treasury, Washington, D. C., called on me at my office, being my superior officer, with whom I have daily communication as custodian of public buildings. As a matter of courtesy I invited him to take a ride through the parks, which invitation he accepted. On our return to his hotel (Southern) he invited Mr. C. K. Ramsey, superintendent construction old post-office (who rode with us) and me to take dinner with him, which we did. Immediately after we accompanied him to the depot. When about to leave Mr. Windrim asked me if I could not go to Springfield with him as he would like to talk with me further about the two St. Louis public buildings. I told him I could go and sent word home and to my chief deputy of my absence. The train left at 8.30 p. m. During the evening no reference was made to the Springfield public building location except that Mr. Windrim wrote a dispatch to some gentlemen in Springfield to put a notice in both morning papers that he would be there the next day to settle the question of the public building site. This publication was made.

This dispatch was sent from Kirkwood, Pacific, or some other station in the vicinity. General Clayton came into our car for a few minutes only, then went to his own sleeper. No game of any kind was played during the entire trip, nor was one even suggested.

No game could have been played without my knowledge as I was in the car with the gentlemen during the entire trip.

JAMES O. CHURCHILL.

Subscribed and sworn to before me this second day of April, 1890.

[L. S.]

T. L. CRAWFORD,
Commissioner United States Circuit Court,
Eastern Division, Eastern Judicial District of Missouri.

SPRINGFIELD, MO., *April* 4, 1890.

Now, on the day above written, before me, T. M. Barham, a notary public within and for the county of Greene, State of Missouri, personally appeared the undersigned, J. F. G. Bentley, a resident of Springfield, who states on his oath: That he was a passenger in the coach conveying J. H. Windrim, Supervising Architect, returning from Springfield to St. Louis, after his visit to Springfield in reference to the location of site for public building; that he was continually present and in the company with Messrs. J. H. Windrim, Kereus, Hobart, Dapray, and Churchill, and from the time the train left until all had retired to their berths, and that there was at no time card playing or gaming of any sort in the car. Nor was the subject of cards or games ever mentioned by any one in the party.

J. F. BENTLEY.

Subscribed and sworn to before me this 4th day of April, 1890.

T. M. BARHAM,
Notary Public.

STATE OF MISSOURI,
City of St. Louis, ss:

Be it known that on this 9th day of Apr.1,1890, personally appeared before me, the undersigned notary public, R. C. Kerens and B.F. Hobart, who, being duly sworn to their respective oaths, each for himself, deposes and says:

That he was on the car which bore Mr. James H. Windrim, Supervising Architect, United States Treasury, from St. Louis, Mo., to Springfield, Mo., on the night of September 30, 1889; that each of them continued in said car with said Windrim continuously from the time they left the city of St. Louis, at about 8.30 p. m. of that date, until they arrived at Springfield, Mo., the next morning at about 5 a.m.; that at no time during the trip was there any game of cards played, nor was there any cards used, or in sight of these affiants, nor was any bet made of any kind, for any purpose, of any amount; that General Powell Clayton came into the car just before it left St. Louis and continued there not to exceed twenty minutes; that during his presence in the car there were no cards used, or seen, or bets made, nor was there any conversation had about the public buildings or the location thereof, in Springfield, so far as affiants know; that at the end of said twenty minutes, General Clayton left said car and went into another car on the same train and was not in the car with Windrim thereafter on said trip. Affiants, each for himself, say that Stephen B. Elkins was not in said car at all nor was he in this part of the country, that affiants know of.

Witness our hands, this 9th day of April, 1890.

R. C. KERENS.
B. F. HOBART.

Subscribed and sworn to before me this 9th day of April, 1890.

[L. S.] G. K. WARNER,
Notary Public, City of St. Louis, Mo.

(My commission expires November 5, 1893.)

WASHINGTON, D. C. *April 7*, 1890.

I, St. Julien B. Dapray, chief of the law and contract division of the office of the Supervising Architect, United States Treasury Department, certify that, in obedience to instructions from the Hon. William Windom, Secretary of the Treasury, dated September 27, 1889, I accompanied Mr. James H. Windrim, Supervising Architect, to Springfield, Missouri, in his visit for the purpose of examining into matters pertaining to the location of the proposed public building in said city, and that I was constantly in his company during the period between the time of his leaving St. Louis, Mo., September 30, 1889, arriving in Springfield, Mo., October 1, 1889, leaving Springfield, Mo., October 1, 1889, arriving in St. Louis, Mo., October 2, 1889, and leaving St. Louis, Mo., October 2, 1889, and that during said period he did not engage in any game of cards with Mr. Powell Clayton, or with any other person, nor was any game of cards played in my presence by any person.

ST. JULIEN B. DAPRAY.

WASHINGTON,
District of Columbia, ss:

I, R. B. Nixon, a notary public in and for the District of Columbia, certify that St. Julien B. Dapray, of Washington, D. C., to me personally known, after being duly sworn, this 11th day of April A. D. 1890, says that the statement contained in the foregoing paper is true and correct to the best of his knowledge and belief.

R. B. NIXON,
Notary Public.

Mr. THAYER. I call attention of the committee to the fact that we did not take any such affidavits.

By Senator VEST:

Q. I understood you to state that you gave notice to these parties Mr. Minard and Mr. Woolley, or their lawyers, two weeks before you left for Springfield, of the day you would start. That is what you said, is it not?—A. Yes, sir. I do not say specifically two weeks, but they were notified, and I think they will admit that they were notified.

Mr. DAPRAY. I suggest that the records will give the exact date.

Senator VEST. I see the papers here state that on September 23, 1889, Hon. R. C. Kerens was advised that the Supervising Architect, James

H. Windrim, would be in Springfield October 1, for the purpose of making a personal examination, etc. Now I do not see any statement that you notified anybody else but Kerens.

The CHAIRMAN. Kerens was not represented by counsel.

The WITNESS. These gentlemen were notified. I think they will admit that they were notified by the Secretary sending for me and in their presence fixing upon a time. They called upon the Secretary to not have withdrawn the condemnation proceedings, but to let them go, and the Secretary concluded to do so.

Senator VEST. This is not the point. The point is about you notifying Kerens and nobody else.

The WITNESS. I want to explain that, if you will allow me. I have got to do this to get at it. These gentlemen appealed to the Secretary, saying that it would require a certain time to have witnesses notified to be present at a certain term of the court. The Secretary sent for me, and I had arranged to go on the 15th of October. The Secretary sent for me while counsel were there.

The CHAIRMAN. That is, while Judge Thayer and Mr. Conger were there?

The WITNESS. While Mr. Thayer and Mr. Conger were there, and then the time was fixed, ten days at least, and it was fixed for the 1st of October. I think probably the time of the meeting of the court will fix the ten days with reference to the 1st of October.

Mr. THAYER. I do not quite agree with your statement of the fact.

The WITNESS. I think the Secretary will agree with me, if you wish him to testify. He was present and called you and me together.

Mr. THAYER. My understanding of the arrangement with Mr. Windrim as to his journey to Springfield was as Mr. Conger has stated, and Mr. Windrim too, that Mr. Windrim was to be in Springfield by such a date, by October 1. It was manifestly important for my clients that they should know when Mr. Windrim would get there. I had made no formal request, so far as I know, to be advised of that fact, but it would be natural to give such notice to counsel, and, as I have stated, I went from my office, just across the street from the Treasury, to the Architect's office, several times to ascertain just when Mr. Windrim would go there, and the information I know I got—I had had no formal notice—was from Mr. Dapray, the law clerk, who advised me that a certain Mr. Windrim had started.

The CHAIRMAN. That could hardly be so, for the law clerk was with Mr. Windrim.

Mr. DAPRAY. I left the day after Mr. Windrim started.

Mr. THAYER. I telegraphed to my clients in Springfield, not that Mr. Windrim would be there on the 1st of October, because I did not know it, but that he had left Washington for Springfield.

Senator VEST. I see here among the papers an order, dated September 22, for Mr. Dapray to accompany Mr. Windrim.

Mr. DAPRAY. That should be 27th instead of 22d; that is an error.

Senator VEST. Now, Mr. Windrim, you keep an account of your transportation, do you not?—A. Yes, sir.

Q. Vouchers, and all that?—A. Yes, sir.

Q. Will you be kind enough to furnish us with your personal vouchers for transportation and other expenses on that trip?—A. Yes, sir.

Senator VEST. I want to look over those papers. Have them left here.

The WITNESS. Yes, sir.

Senator VEST. I move that we adjourn.

The CHAIRMAN. Some gentleman made some statement—I think it was Mr. Minard—about the action of the counsel, that two men were absent. Here is a certified statement of the proceedings of the council, from which it appears that there were sixteen members altogether, and that nine, naming them, voted for the new location and five voted against it, and two were absent; so that if those absent had been present and had voted no, there would still have been nine in favor, to seven against.

The following is the paper referred to:

[George A. C. Woolley, W. G. Porter, jr., L. W. Hubbell. Woolley, Porter, & Hubbell, insurance, real estate, loan, and bond brokers.]

SPRINGFIELD, MO., *January* 23, 1889.

MY DEAR SIR: The writer called at your office a few days ago and had some conversation with you in regard to our public building location. Since my return yesterday morning I find that there has been, in my absence East, a decided change for the better regarding the site selected. That is, there is a better feeling among some of the parties claiming to be dissatisfied, and I wish to assure you again that the site you selected will without any question whatever give very much the best satisfaction of any site offered. There is, of course, a remnant of personal spite, resulting largely from disappointed real estate speculators and individual interests, and this was plainly manifested last night when the council passed a resolution of disapproval. We are informed that this resolution has been sent to Washington, and will be presented as the unanimous action of the city council, and for your information we have procured and will inclose with this a certificate from the city clerk, showing that out of sixteen members composing the council only nine voted for the resolution, five voting against its adoption, with two absent.

We have also inclosed a statement from one of the absent men that he would have voted against adoption of resolution if he had been present, and from this writer's personal knowledge regarding Mr. Smith's sentiments (the other absent member) I can guaranty that he would also have voted against the adoption of the resolution.

I have thought best to give you the facts in regard to this effort that was made to create the impression upon the Secretary of the Treasury that there was a widespread disaffection and much opposition to this location, and this may well stand as a sample of all the efforts that have been made to change this location; and without going into detail at all, it can be truthfully repeated, that when it is found by property-owners in rival localities and real-estate speculators that this location will not be changed at all, it will give excellent satisfaction to the great majority of business men and business interests.

I also wish to suggest that if you desire us to do so, we will take pleasure in obtaining a cordial indorsement of your selection by all of the prominent merchants, lawyers, and business men and property-owners.

We have the honor to remain, yours, very respectfully,

WOOLLEY, PORTER & HUBBELL.

Col. THOMAS D. FISTER,
Washington, D. C.

We have to-day submitted abstracts of title to Mr. T. J. Dulany, Hon. M. E. Benton's assistant attorney for United States, and they will be examined to-morrow.

W., P. & H.

THE ARGUMENT.

By reference to the vote on adoption of the resolutions it will be found that out of the sixteen members of the council nine voted for its adoption, five against its adoption, and the two absent members would have voted against it had they been present at the meeting. So the council were divided, nine for and seven against the adoption of resolutions, which proves, if anything, that the present location is as good, and perhaps most satisfactory to our people.

Furthermore, the council divided on account of location and residence the same as any other sixteen citizens that might be picked up in different parts of the city.

At a meeting of the council of the city of Springfield, Mo., held at its chambers, January 22, 1889, the following preamble and resolutions were introduced, to wit:

"Whereas we have learned that the special agent of the Treasury Department has selected as the site for the public building to be erected in this city the southwest corner of St. Louis and Jefferson streets;"

Be it resolved by the city council of the city of Springfield: First. That we do not believe said selection is made in the best interests of our people; that it is neither central nor convenient for a large majority of our citizens.

"Second. That we respectfully and earnestly request the honorable Secretary of the Treasury to disapprove said selection, and locate the building on Booneville street, not farther south than Pine street, nor farther north than Center street.

"Third. That we believe such selection will harmonize all interests, will end all strife between sections, and redound to the general prosperity of the city as a whole."

Which said preamble and resolutions, on call of the ayes and noes, were adopted by the following vote:

Ayes: Bartlett, Brounson, Burlingame, Eisenmayer, Hornbeak, Mooney, Robinson, Underwood, and Warford—9.

Noes: Adams, Anderson, Fellows, Heckart, and Willike—5.

Absent: D. B. Haeberle, and J. H. Smith—2.

Whole number of members, 16.

STATE OF MISSOURI, *County of Green, ss:*

I, J. T. Rice, city clerk of the city of Springfield, Mo., do hereby certify, that at a meeting of the council of the city of Springfield January 22, 1889, the above proceedings were had and vote recorded.

Witness my hand and seal of said city hereto affixed at office in Springfield, this January 23, 1889.

[L. S.]

J. T. RICE,
City Clerk.

Had I been personally present at the meeting of the city council I would have voted against the above resolution.

D. B. HAEBERLE.
Councilman from Second Ward.

SPRINGFIELD, MO., *January* 23, 1889.

Had I been personally present at the meeting of the city council January 22, 1889, I should have voted against the above resolutions.

COUNCILMAN FROM FIRST WARD.

JANUARY 23, 1889.

Mr. MINARD. You will find my statement in response to that which I furnish to the Department. That has always been easy to find; that is, we knew the contents of it, etc., and they produced it. The papers were opened at one time in the Secretary's office.

The CHAIRMAN. Is there any dispute that nine members of the council voted for the new location?

Mr. MINARD. I can not tell. We have nothing to go by but the affidavits of the councilmen and the city clerk controverting that statement. If the other side will produce that I will be obliged to them.

The CHAIRMAN. Is there any further testimony to offer?

Mr. THAYER. None except my own.

The CHAIRMAN. As to what point.

Mr. THAYER. About the denial of these papers. I want to state, and am willing to state under oath, as Mr. Windrim has done, that several days before our last interview in Mr. Windom's presence when this matter was disposed of, that I filed in writing in the Treasury Department an application for permission to inspect all the papers in this case.

The CHAIRMAN. Where did you file it?

Mr. THAYER. With the private secretary of the Secretary of the Treasury. I did it myself personally. I can swear to that fact. My motive for that is very manifest. I could not handle my client's business intelligently unless I knew what it was, and my purpose was to go there and inspect the papers, and to follow that by a request for a hearing by the Secretary of the Treasury when we knew the whole case. That request I got no response to. When we had the hearing to which Mr. Windrim has testified it came as a surprise. I was wholly

unprepared, because I had ouly *ex parte* statements of my clients, and knew nothing about the papers, and had not seen them, and have not seen them to this day, because I have received no response whatever to that communication.

Senator SQUIRE. When was this hearing you speak of, the last and final hearing?

Mr. THAYER. It was some time about the middle of October; I can not give you the exact date; the record will show. It was soon after Mr. Windrim's return.

The CHAIRMAN. I understand you to say, Judge Thayer, that you have no further testimony?

Mr. THAYER. Unless upon inspection of these papers there are some facts that I want to meet.

The CHAIRMAN. (To Senator Vest.) Mr. Windrim tells me that he prefers me to have the committee ask the Secretary of the Treasury for these papers. I suppose that is proper enough, and we will send an official communication to the Secretary.

Mr. CONGER. You see now, Mr. Chairman, that it is as difficult for the committee to get possession of these papers as it is for us.

The CHAIRMAN. Mr. Windrim did not bring the papers here under any *subpœna duces tecum*, so of course they remain in his possession. We will ask the Secretary of the Treasury for the papers. That is the proper course undoubtedly.

Mr. CONGER. When, probably, can we have access to these papers again? They are what we have been waiting for for months, and now they are going back to the Treasury. I suppose when they come into the hands of the committee again we may have access to them.

Senator VEST. (To Mr. Windrim.) When can we have these papers after sending to the Secretary for them?

The WITNESS. Right away.

The CHAIRMAN. No paper that comes before the committee will be denied to you a moment, Mr. Thayer.

Thereupon, the subcommittee adjourned to 10 o'clock a. m., Friday, April 18, 1890.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., April 12, 1890.

Hon. JOHN C. SPOONER,
Chairman Senate Investigating Committee, etc., United States Senate:

MY DEAR SIR: In my testimony before your committee yesterday, I referred to the argument, affidavits, etc., embraced in the paper inclosed in letter dated October 17, 1889, submitted to the Department by Messrs. Conger, Thayer & Coldren, counsel for Messrs. Andrew J. Minard, A. R. Fearn, and George A. C. Woolley, criticising my official report dated October 11, 1889, and to my reply thereto dated October 23, 1889, and to the decision of the Secretary of the Treasury dated November 16, 1889.

It was my desire to offer them in evidence if my report of October 11, 1889, was to form part of the evidence, and as I read said report in evidence, I inclose said papers with the request that you will have them incorporated in the report of the testimony given before your committee.

Respectfully, yours,

JAS. H. WINDRIM.

IN THE MATTER OF SELECTION OF SITE FOR THE UNITED STATES POST-OFFICE AND COURT-HOUSE BUILDING AT SPRINGFIELD, MO.

WASHINGTON, D. C., *October* 17, 1889.

Hon. WILLIAM WINDOM,
Secretary of the Treasury:

SIR: In the matter of the location of the United States post-office and court-house building in the city of Springfield, Mo., and in compliance with your permission, we have the honor to submit herewith the statements to which we referred in the recent hearing on this matter.

These are submitted as pertinent to the questions at issue.

Very respectfully,

CONGER, THAYER & COLDREN,
Counsel.

Hon. WILLIAM WINDOM,
Secretary of the Treasury:

SIR: We appeared before you on Tuesday, October 15, as designated representatives of South Springfield, Mo., to advocate in their behalf the retention of the site originally selected as a site for the United States post-office and court-house building in that city, on the corner of St. Louis and Jefferson streets. We had not at that time formulated the statements which we desired to lay before you, but willingly proceeded with the hearing upon your assurance that we might subsequently, before the determination of this question, file such statements as seemed to us pertinent to the case.

We have now the honor to file such statements, all under oath, and for your convenience in ready examination, printed copies thereof.

The papers submitted herewith are as follows, viz:

A.—A plat showing the public square and its surroundings within which there is an annual business of over $9,000,000.

The facts as to this volume of business are given in detailed affidavits from the several leading business houses. These affidavits were given to Mr. Windrim, with several photographs, when he was in Springfield, and we earnestly ask your careful reference to them.

B.—A sworn statement relating to the circumstances of Mr. Windrim's visit to Springfield, and stating why, in our opinion, his examination was not impartial and his conclusions based on such examinations were incorrect.

C.—A sworn statement relating to organization of North Springfield and the growth and decline of its business interests.

D.—A sworn statement relating to business growth of South Springfield northward and North Springfield southward during the past twenty years.

E.—A sworn statement relating to location of school buildings and churches on the respective sides.

F.—A sworn statement relating to the tendency of business growth of North Springfield.

G.—A sworn statement relating to real estate values on and about the public square, and also on Commercial street in North Springfield.

H.—A sworn statement relating to the resolutions passed by the city council.

J.—A sworn statement relating to the resolutions passed by an alleged mass meeting.

K.—A sworn statement relating to proposed removal of county buildings.

L.—Copies of letters from Senator F. M. Cockrell and Col. T. D. Fister.

Whatever may be the weight attached to these several statements of fact as affecting the question of location of the post-office building, we are simply desirous of having them fairly and truthfully presented.

There has been much comment upon the question of center of population, and as to what bearing that question should have in determining the location of the public building.

There is no denial on our part that with the present geographical boundaries of the corporation, the line of division on population would be outside of, and north of, the Old Town.

However, the map of the corporation will indicate, as shown to you at the hearing, that the Old Town has large outlying subdivisions which have not been as yet included in the corporation limits, and which, if included, would bring this center back south of Pine street.

A glance at the map of town will show that North Springfield was less conservative on this question and has thus had an advantage, which under this explanation, we submit, is fictitious in its consequences.

But we believe that the location of the building should not be determined by the fact of center of population, wherever it may be.

The main purpose for which the building is constructed, so far as relates to the local public convenience, is the postal business.

The proper accommodation of this class of the public business is the vital point involved.

We say that the building should be located to best accommodate the principal business interests of the town, which furnishes the great volume of mail matter, delivered to, and sent out of, town.

We have alleged, and it is a fact, that more than 95 per cent. of the business of the whole town is done in South Springfield, and is included within a radius of about 500 feet, with the public square as a center.

So far as the postal business is concerned, we ask careful reference to the official reports of volume of postal business done at the two offices during the quarter ending June 30, 1889.

This is furnished by the Post-Office Department and is as follows:

South Springfield office:

Money-orders issued	$17,277.65
Postal notes issued	2,117.09
International	160.70
Certificates	5,494.00

PAID.

Money-orders	28,865.68
Repaid money-orders	72.25
Postal notes	1,572.29
Postal notes repaid	47.87
International	641.28
Total	56,269.11

Station A, North Springfield:

Money-orders issued	7,055.15
Postal notes	597.86

PAID.

Money-orders	1,950.75
Money-orders repaid	109.67
Postal notes paid	272.50
Postal notes repaid	15.59
Total	10,000.92

The Supervising Architect seems to have been strongly impressed with the argument that a location of the building between the two towns would in some way harmonize and accommodate them both.

But such location does not accomplish any such purpose.

The location he proposes places the building outside of the extreme limit of the business interests of the old town and is still nearly a mile from North Springfield.

The result, therefore, will be that the postal station must still be maintained in North Springfield.

South Springfield, with its 95 per cent. of the business, will be seriously discommoded, and the only part of the public convenienced will be the sparsely settled residence portion of the city in the immediate vicinity of the building.

These are the bald facts and seem to us to only require a bare statement to justify the claims we make on behalf of the old site.

The location of the city offices at Center street has been quoted as suggestive of the condition of public sentiment on this question. There is no city building there. Offices are rented. The convenience of the widely distributed councilmen has been consulted and not the interests of the general public.

As the proposed location does not accommodate either town we must seek for motive for the contention against the old site.

It is to be found in three distinct and clear reasons, which are well understood in our community.

These are:

First. A disposition in North Springfield to injure the old town, even though they derive no benefit from it.

Second. A desire to improve real estate values in the midway part of the town.

Third. A strong incentive to increase the tariff of the street railway.

We have intruded upon your time in this manner with great reluctance, but the large business community we represent is profoundly concerned in the disposition of this matter, and we must present this as our defense for commanding so much of your time.

Acting in our representative capacity we submit an earnest appeal that the selection of the site at the corner of St. Louis and Jefferson street be confirmed.

Very respectfully,

ANDREW J. MINARD.
A. R. FEARN,
by GEO. A. C. WOOLLEY.
GEO. A. C. WOOLLEY.

B.

WASHINGTON, D. C., *October* 16, 1889.

Hon. WILLIAM WINDOM,
Secretary of the Treasury:

SIR: The undersigned are all residents of Springfield, Mo., and of that part of the city known as "Old" or "South" Springfield.

We are in Washington as representatives of that portion of the city.

We represent ninety-five hundredths of the business interests of the whole city.

These business interests are earnestly and emphatically in favor of the site originally selected for the public building in our city.

This site was selected by your predecessor in office.

After long consideration you confirmed this action, and in August last ordered proceedings in condemnation.

About September 10 last you revoked this order.

We are informed that this action was taken by reason of urgent remonstrances from citizens of Springfield.

But we are not advised from whom these remonstrances came or what degree of weight should be attached to them.

You directed the Supervising Architect to visit Springfield and make a careful investigation of the disputed points in this matter, and to submit his report thereon.

The Supervising Architect has visited Springfield under circumstances which we shall put carefully before you, and has recommended a change of location, proposing to select a site removed about one-half mile from the chief business center of Springfield, and separated from it by a valley and stream and numerous tracks of busy railroads.

We are against such action, and believe it would be not only unwise for the Government, but an outrage of justice and an absolute contradiction of the manifest facts of the situation.

These facts are so clear that they admit of no reasonable doubt.

We say this deliberately and in the face of the facts of Mr. Windrim's visit and report.

Our present purpose is to submit a respectful but earnest protest against any change from the old location.

If his recommendation is adopted, we know that the Department will be misled and induced to take action which will do an irreparable injury to a flourishing and rapidly growing city, and bring itself and the party it represents into scandalous disrepute.

The Department has already received our statements that the agitation which has kept our community in turmoil on this question for now nearly a year is the result of the direct and indirect personal and political influence of Mr. R. C. Kerens, Mr. B. F. Hobart, and Mr. Stephen B. Elkins.

None of these gentlemen are residents of Springfield, and no one of them but Mr. Hobart has ever been a resident of our city.

Their only interests there are speculative and alien.

Mr. Hobart's interests are centered in North Springfield. He owns a large amount of real estate in that part of the city, for which he is seeking a market.

He, with Mr. Kerens and Elkins, have a large amount of stock in, and bonds of, the Street Railway Company connecting South and North Springfield.

To what extent Mr. Kerens and Mr. Elkins may be interested in the real estate interests of Mr. Hobart we are not fully advised, but we do know that their joint interests in Springfield and elsewhere are such as to make their interests in this controversy identical.

We have maintained this fact from the first. It is a fact so patent in our community as to be beyond dispute.

You will recall, Mr. Secretary, that in your last interview with our counsel in this matter, Hon. O. D. Conger and Mr. Rufus H. Thayer, previous to Mr. Windrim's visit, that these facts were the subject of comment.

This comment was in Mr. Windrim's presence.

Yet, when making the visit to Springfield under your instructions, to make personal investigation of this strongly controverted question, wherein we had attacked directly, as we do now, the Kerens, Hobart, Elkins, non-resident interest, Mr. Windrim, on arriving at St. Louis, Mo., became the guest of these very men, and came from St. Louis to Springfield as their guest in the private car of the general manager of the Frisco Railway.

Whether or not such a conduct to the investigation and settlement of such a controversy affords hopeful ground for an impartial determination of the question involved, on its merits, we are quite willing to leave to the opinion of any fair-minded man.

It is sufficient to say that the occurrence has created a scandal in our community.

Mr. Windrim, from the time of his arrival in the early morning, was in the hands of his friends, whose guest he was. He was not accessible to the citizens of South Springfield until 9.30 a. m., and when appeal was made to him to give them a careful hearing we were astounded by the announcement that he was to leave at 11 o'clock, one hour and a half from that time.

We deem it unnecessary to make any more than the bare statement of this fact.

The atmosphere to which he had subjected himself, and the graceful hospitality he had enjoyed, had apparently produced the full and intended effect.

The programme of his hosts, to which he had assented, contemplated spending the rest of the day in a pleasure trip to Eureka Springs, and he had seriously proposed to leave the city after an examination made under the escort of these parties, and without giving any hearing at all to the opposing interests.

You must bear in mind, Mr. Secretary, that the interests and the people thus proposed to be ignored are those of South Springfield, where more than ninety-five hundredths of the business of this city is located.

We submit that this indicates, what we believe to be the fact, that Mr. Windrim had allowed himself to be so influenced by the *ex-parte* statements of his hosts that he deemed it unnecessary to hear the other side.

We confess our utter inability to explain the peculiar limitations of his programme or any other theory.

Upon our earnest appeals he, with great reluctance, gave up the proposed pleasure trip to Eureka Springs, and turned his attention again to the important and serious business which called him to Springfield.

But apparently his conclusion had already been reached, and our arguments were made to unwilling ears.

The hearing then allowed to citizens of the South Side (exclusively) was not extended over one hour, which was consumed in driving around South Springfield, and in making such hurried comments as the short time permitted.

Arrangements had been made for a meeting of the business men of South Spring-

field at the chamber of commerce, so that Mr. Windrim might have opportunity to hear their statements and attach such weight to them as to him might seem proper.

Mr. Windrim had come from St. Louis to Springfield with the advocates of the North Town interests and had been under their escort all the morning, and it seemed to us then, and seems so now, that a natural and fair disposition of his time would have conformed to our arrangements as to meeting the business men of our part of the city.

A meeting of the general public was not contemplated

At the expiration of the hour, mainly consumed in riding about as above stated, Mr. Windrim was driven to the chamber of commerce for the purpose above stated, and upon arrival there a large crowd was found to be congregated.

A considerable portion of this crowd was composed of North Side advocates, who demanded a public hearing, and insisted that the meeting proposed to be held should be adjourned to the opera house and be made a public meeting.

Mr. Windrim regarded this demand as just, and insisted that he should be taken to the opera house.

Instead, therefore, of a conference with the business men of our side, opportunity therefor was taken away, and a disorderly discussion on the hustings was substituted for a careful and deliberate hearing of what our business men had to say.

Such a meeting as that held at the opera house could not, we submit, afford any reliable indication of existing conditions.

It chanced that the opportunities for massing North Side adherents at that meeting were favorable, and the vote taken is worthless for determining the actual sentiment of any proportion of citizens of Springfield on this question.

We allege that the citizens of South Springfield were not given fair opportunity to present their side of the question at issue.

A. R. FEARN.
ANDREW J. MINARD.
GEO. A. C. WOOLLEY.

Subscribed and sworn to before me, this 16th day of October, 1889.
[SEAL.] FRANK B. MARLOW,
Notary Public.

C.

CITY OF WASHINGTON, *District of Columbia, ss:*

North Springfield was organized about the year 1870, at the completion of the Atlantic and Pacific Railway. Its organization was a part of the policy of the railway company to organize new towns in behalf of real estate speculators and sale of town lots. The corporation was known as the Ozark Land Company, and its stockholders were composed of railway officials and local speculators. It was then thought that the location of the railway one and one-half miles from the business center of Springfield proper, and the seat of justice of the county, would eventually draw away from the old town all of its business interests and enable the sharks to profit by its discomfiture, but let's review the result. The distance between the passenger and the freight depots of this railway is about one-eighth of a mile, and covers about all the business portion of the north end; this has in the past twenty years been built up in store buildings, brick and frame, with intervening vacant lots. For a period of more than thirteen years North Springfield had the only railroad running into Springfield, and with all the efforts of its officers and town site speculators, failed to prevent the steady growth of Springfield proper, and to-day South Springfield does 95 per cent. of all the business.

While the business, wholesale and retail, in Springfield proper in the past five years has increased $2,000,000 or $3,000,000 at least, the business of North Springfield has steadily decreased.

Five years ago North Springfield had two wholesale houses, one of which was a wholesale grocery house, the head of which was Dr. Robberson, who is now doing all in his power towards the removal of the old site; this establishment was removed to Springfield proper and is now a much larger concen, ane known as the Springfield Grocery Co., James T. Keet, president, and the building formerly occupied by them in North Springfield was vacant three years, and is now used as a storage room for furniture.

Mr. May, of Illinois, six years ago built a large $40,000 building in North Springfield, and opened a general wholesale and retail house; he retired from this undertaking in two years with a loss of $65,000, and he attributed his failure to the fact that he did not locate his business in old Springfield. Since that time this building, which is the largest and best business house in North Springfield, has been vacant a great portion of the time. The Central National Bank of North Springfield was or-

ganized two years ago, but after one year's business removed to Springfield proper, where it is now doing a large and rapidly increasing business, having only a branch office in North Springfield, and we are informed by the president that this branch office is soon to be closed. We are reliably informed and believe that the deposits in banks of North Springfield are much less than they were one year ago. While the banking capital of North Springfield has decreased $100,000 in the past two years, the banking capital of South Springfield has increased $500,000 in the same period.

The Perkins Foundry and Machine Works, of which Mr. B. F. Hobart is the head, a large manufacturing establishment employing a great many men for years in North Springfield, was removed last spring to old Springfield, and greatly enlarged.

A large hardware establishment in North Springfield has found its business unprofitable, and has closed out everything except wagons and buggies. One of the largest and most successful dry goods houses, to our knowledge, is to move to Springfield proper very soon.

The Ozark Hotel, the finest hotel in North Springfield, and which has been a money-making hotel for years, I am informed by the proprietor himself, has ceased to be profitable. This hotel, costing about $40,000, built about six or seven years ago, was recently sold for $12,500.

The Frisco Railway passenger depot recently burned in North Springfield will be rebuilt in Old Springfield, as the principal freight depot of this road is now in Old Springfield.

The vice-president of this road has made public and private declarations of this fact that the Frisco passenger trains will soon run through Old Springfield.

The decline of business of North Springfield was so apparent to the vice-president of the Frisco Railway that he applied for and obtained a charter for a belt railway line in order to compete with other railways in the delivery of freight to Old Springfield, and to-day said principal depot is located within three blocks of the Public Square, and is delivering nine-tenths of all the freight coming over that line to the whole city. Within the next two years the entire passenger travel will pass over this belt line.

To further show his confidence in Old Springfield the vice-president of the Frisco Railway purchased $80,000 in stocks in the Exchange Bank, located on the Public Square.

The vacancies caused by the removal of the wholesale houses and manufacturing establishments above specified have not been supplied with new enterprises to take their place.

Several of Old Springfield's largest business houses established branch houses in North Springfield, but finding them unprofitable have closed them out.

A. R. FEARN.
ANDREW J. MINARD.
GEO. A. C. WOOLLEY.

Subscribed and sworn to before me this 16th day of October, 1889.
[SEAL.] FRANK B. MARLOW,
Notary Public.

D.

CITY OF WASHINGTON, *District of Columbia, ss:*

The undersigned, being duly sworn, depose and say that they are and have been for many years citizens of Springfield, Mo.

They say further that the northern limit of retail trade in South Springfield was, twenty years ago, Phelps avenue, and that during that period of twenty years it has grown northward only 60 feet. This is true in respect to Boonville street, the main business street in the north of the old town.

There is no business of any consequence on any of the other streets on the north, and therefore no perceptible growth.

North Springfield was located about twenty years ago, when the St. Louis and San Francisco Railroad reached that point.

The business of that town was located in the first instance on Commercial street, which extends from east to west.

In the period of twenty years from the date specified above the business of North Springfield has grown southward on Boonville street only 150 feet and none at all on other streets.

The distance from the Public Square in South Springfield to Commercial street in North Springfield is 1¼ miles.

The distance northward from the Public Square to the limit of business is less than a quarter of a mile, and the interval between the business limits of the two ends of town is not less than 1¼ miles.

The only exceptions to above statements are the scattering small groceries and shops that exist in Springfield, as in other cities, at different points in the residence portion of the city for neighborhood accommodation.

A. R. FEARN.
ANDREW J. MINARD.
GEO. A. C. WOOLLEY.

Subscribed and sworn to before me this 16th day of October, 1889.
[SEAL.] FRANK B. MARLOW,
Notary Public.

E.

DISTRICT OF COLUMBIA, *City of Washington, ss:*

A. R. Fearn, Andrew J. Minard, and Geo. A. C. Woolley, being duly sworn, depose and say:

That they are all citizens of Springfield, Mo., and have been such for many years.

That they are in this city as the representatives of South Springfield in respect to the location of the proposed new post-office and court-house building in said city.

That they understand that one of the items of information that have been placed before you, as bearing upon the question of proper location of said building, relates to the location of the several school buildings in said city, and therefore make this sworn statement, as follows, viz:

First. That before the consolidation of South and North Springfield, the corporation had for its northern boundary Division street.

It was divided into four wards, which cornered at the public square.

A ward school building was located in about the gographical center of each of these wards.

A large central or high-school building was located near the public square and within six hundred feet therefrom.

At the time of this consolidation North Springfield had only one school building, which in size and character was not better than the ward school buildings in Springfield proper.

After consolidation of the two towns, and before there was a consolidation of school districts, North Springfield floated a loan of $20,000, and built three new school buildings from the proceeds. This amount was subsequently prorated on the tax-lists over the whole new city.

The construction of these buildings was the subject of strong criticism at the time, and it was regarded at the time as a piece of "smartness" on the part of the new town to forestall natural objections by having said buildings constructed before the consolidation of the school districts.

The number of the school buildings finds partial justification in the large outlying sparsely settled territory which was included in the corporation of North Springfield.

The consolidation of the two towns necessitated a re-arrangement of wards.

The city was divided into eight wards.

The old third and fourth wards had had Division street as their northern boundary.

The new third and fourth wards had Pine street as their northern boundary.

This arrangement left the third and fourth wards without any ward school buildings, and the pupils of these two wards are now accommodated in the central or high school building and number over thirteen hundred.

It is also a fact that the two wards, 1 and 2, on the south side, have commodious, well-constructed buildings, affording school accommodation to the best residence portion of Springfield, while all but one of the other ward school buildings are inexspensive and smaller buildings.

While we do not see that the location of these buildings has any bearing on point of proper location of the post-office building, we are quite willing that the facts relating to their present location be fully exhibited.

CHURCHES.

We also understand that it has been represented to you that the larger number of the churches of the city are located north of Pine street.

If this statement has been made and has any bearing whatever on the question at issue, we desire to and do deny its truthfulness.

The several churches located south of Pine street are as follows, and we give with each what we believe to be a fair valuation of each church property.

Presbyterian:	
Calvary	$40,000
Westminster	6,000
Cumberland	25,000
Fairmont Mission	2,000
Baptist:	
First Baptist	20,000
Methodist:	
Grace	25,000
Mount Vernon Mission, No. 1	1,000
St. Paul	35,000
South Park Mission	1,000
Mount Vernon Mission, No. 2	1,000
Congregational:	
Central	15,000
Episcopal:	
Christ's Church	15,000
Christian:	
College street	25,000
South street	15,000
Colored churches:	
Three	10,000
Total number, 17. Total valuation	226,000

The several churches located north of Pine street are as follows, with valuation which we believe to be entirely fair.

Presbyterian:	
Benton avenue	$10,000
Congregational:	
Pilgrim Mission	500
First Congregational	7,500
Methodist:	
Campbell street	8,000
Baptist:	
Second Baptist	5,000
Episcopal:	
St. John's Chapel	10,000
Swedish:	
Two churches	4,000
German:	
One church	1,500
Catholic:	
Summit avenue	5,000
Pine street	40,000
Total number, 11. Total valuation	91,500

A. R. FEARN.
ANDREW J. MINARD.
GEO. A. C. WOOLLEY.

Sworn to and subscribed before me this 15th day of October, 1869.
[SEAL.] FRANK B. MARLOW,
Notary Public.

F.

CITY OF WASHINGTON, *District of Columbia, ss:*

The undersigned, being duly sworn, depose and say that they are all residents of Springfield, Mo., and have been such for many years.

That they have been actively engaged in business in said city and believe themselves to be familiar with the past and present conditions of its business growth.

They further say that the present marked tendency of business growth is toward the south and southwest from the public square, as indicated by the business on South and College and Campbell streets.

We believe that the future business growth of the city will be to the south and southwest.

Twenty-eight brick business houses have been erected, or are in course of erection, during the present year, in South Springfield, and mostly in the direction stated, viz, to the south and southwest of the public square.

To confirm this tendency the Gulf Railroad machine shops, now building, are located in this direction. When completed they will employ several hundred men, and will add, we confidently believe, from 3,000 to 5,000 to the population of that part of the city within the next two years.

The Wilson Creek bottoms are the natural locations for all manufacturing establishments, as railroad facilities and water supply can be more easily reached from that district.

We do not believe that this tendency of growth will change, and, particularly, we assert that there is at present no marked tendency of growth northward from the public square on Boonville street, and the supervising architect is unquestionably mistaken in his observations on this point.

The tendency of business growth is to the south and southwest.

A. R. FEARN.
ANDREW J. MINARD.
GEO. A. C. WOOLLEY.

Subscribed and sworn to before me this 16th day of October, 1889.
[SEAL.] FRANK B. MARLOW,
Notary Public.

G.

DISTRICT OF COLUMBIA, *City of Washington, ss:*

The undersigned, being duly sworn, depose and say that they are and have been for many years residents of Springfield, Mo.

They further say that they are familiar with real estate values in said city, and that the most valuable property in said city is that fronting on the public square, and that a fair valuation of the same, without improvements, is from $700 to $900 per front foot.

That a fair valuation of the property on St. Louis street, from public square to Jefferson street, without improvements, is from $200 to $300 per front foot.

That a fair valuation of the property on South street, from public square to Walnut street, without improvements, from $250 to $500 per front foot.

That a fair valuation of the property on Boonville street, from public square to Phelps avenue, without improvements, is from $125 to $500 per front foot.

That a fair valuation of the property on College street, from public square to Campbell street, without improvements, is from $200 to $500 per front foot.

That a fair valuation of the property on Campbell street, from College to Walnut streets, without improvements, is $90 to $125 per front foot.

That a fair valuation of the property on Jefferson street, from St. Louis street to Phelps avenue, without improvements, is from $100 to $200 per front foot.

That a fair valuation of property on Commercial street in North Springfield, from Washington avenue to Campbell street, without improvements, is from $75 to $125 per front foot.

The property recommended for selection by the supervising architect is offered for $100 per front foot.

Its fair market value does not exceed $75 per front foot.

A. R. FEARN,
ANDREW J. MINARD,
GEO. A. C. WOOLLEY.

Subscribed and sworn to before me this 16th day of October, 1889.
[SEAL.] FRANK B. MARLOW,
Notary Public.

H.

CITY OF WASHINGTON, *District of Columbia, ss:*

The undersigned, being duly sworn, depose and say that they are and have been for many years residents of the city of Springfield, Mo.

They further say that they are familiar with the circumstances of the passage of a certain resolution by the city council of said city favoring the location of the

office and court-house building near Center street, a duly authenticated copy of which is on file in the United States Treasury Department, and is quoted as evidence that a majority of the city council are opposed to the location first selected.

These facts are that the said resolution was introduced in the council by a member from the north side, when two of the south side members were absent, and in their absence the resolution was carried by a bare majority.

Had these two members been present the resolution would have been defeated.

The resolution was carried, not by a majority of the council, but by a majority of those present at said meeting.

The details of the transaction have been fully set forth in a sworn statement of the city clerk of Springfield, which was sent to the Secretary of the Treasury and should be on file with the papers in this case.

The facts are as above stated.

ANDREW J. MINARD.
GEO. A. C. WOOLLEY.

Sworn to and subscribed before me this 17th day of October, 1889.
[SEAL.] FRANK B. MARLOW,
Notary Public.

J.

CITY OF WASHINGTON, *District of Columbia, ss:*

The undersigned, being duly sworn, depose and say that they are and have been for many years citizens of the city of Springfield, Mo.

At a hearing before the Secretary of the Treasury, held on October 15, 1889, deponents were shown what was alleged to be resolutions passed by a mass-meeting of the citizens of Springfield, Mo., on the 10th day of January, 1889, opposing the location of the post-office and court-house building on the site selected at the corner of St. Louis and Jefferson streets in said city and purporting to have been an open and public meeting.

Deponents say that this was the first information that they ever had of any such meeting; that they are among the residents of South Springfield who have been most deeply and earnestly interested in location of the building upon St. Louis and Jefferson streets site as involving vitally the large business interests centered about the public square, and they believe that if said meeting had been a mass-meeting, with proper notice it could not have been held without their knowledge.

Said meeting, as shown by the record of its proceedings filed in the Department, was presided over by J. S. Atkinson, as chairman, and C. H. Gaffe, as secretary, both north side men.

The committee appointed to present the resolutions, among whom were C. B. Sperry, G. A. Ramsay, and D. E. Davis, were pronounced north side men, as will be shown by documents on file in the office of the supervising architect.

We believe that the citizens of the south side, like ourselves, have no knowledge of said alleged "mass-meeting," and we denounce it as a barefaced imposition upon the Department.

ANDREW J. MINARD.
GEO. A. C. WOOLLEY.

Sworn to and subscribed before me this 17th day of October, 1889.
[SEAL.] FRANK B. MARLOW,
Notary Public.

K.

CITY OF WASHINGTON, *District of Columbia, ss.:*

The undersigned, being duly sworn, depose and say that they are and have been for many years citizens of Springfield, Mo.

They further say that the proposed location of the county buildings of Green County (jail and court-house) at some point midway between South and North Springfield is at the present time in the courts, and our best legal counsel in Missouri advise us that such location will be declared illegal.

The jurisdiction of these buildings rests with the county commissioners, three in number, who were not elected upon any such issue.

A majority of this body have undertaken, against violent protests, to change the location of these buildings. They have declined to submit the matter to a vote of the people of the county, as is usual in such cases.

Exercising their muscular power, they have sold a part of the county property lying adjacent to the court-house on the public square, and from the proceeds of such sale have commenced the construction of a county jail on Center street.

The property sold for this purpose is a part of a tract donated to the county some fifty years since as a "seat of justice."

From time to time portions of this tract have been sold, and the proceeds expended within the limitations of the donation, but no such expenditures have been made, with the single exception of the present case, without the bounds of the tract so donated.

It is asserted by eminent counsel that the expenditure of moneys so derived without the bounds of the donated tract is a violation of the terms of said donation, and in contravention of certain vested rights and easement interests attaching to property sold by the county within said tract.

The Supervising Architect, therefore, is at least somewhat premature in his stated conclusion, that the "county buildings will be located on Center street."

The facts are that two of the commissioners, constituting a majority of that board, and being violent in their attachments to interests of North Springfield, have commenced an arbitrary proceeding, seeking to accomplish that purpose.

Our belief is that the jail building now commenced will never be completed, and that the acts of the commissioners in expending this money outside the bounds of the donated property will be declared illegal and void.

ANDREW J. MINARD,
GEO. A. C. WOOLLEY.

Subscribed and sworn to before me this 17th day of October, 1889.
[SEAL.] FRANK B. MARLOW,
Notary Public.

L.

WARRENSBURG, Mo., *July* 19, 1889.

MY DEAR COLONEL CRAVENS: I do not feel that I would be justified in giving you the name of the writer of the letter to Colonel Fister, in regard to options on lots around the midway location, which was secured and could be secured, and from which big money could be made, if location was there, etc. I presume Colonel F. would not hesitate to give you the name and probably the letter. I do not know his house address. I suggest that you write to him, directing on back to "Col. Thos. D. Fister," and then inclose same in an envelope addressed to "Supervising Architect, United States Treasury Department, Washington, D. C.," with a letter to the architect, requesting him, if Colonel F. is not in the city, to forward to his house address.

It is an outrage to accuse F. of crookedness or corruption. I am sure he never received either a cent or the promise of a cent for his action. I supposed the question of location was long since disposed of forever.

Now, in personal confidence, the writer was a real-estate man, and not an old ante-bellum resident. I had letters from him, favoring the midway location, and in answering, told him I had seen his letter; was sorry he had written it, etc. I never heard from him afterward.

Hence you must get name from F., which you can doubtless do by writing him. You can say to him that you wrote me and I declined, and referred you to him for name and letter or copy.

With many best wishes, your friend,

F. M. COCKERELL.

KUTZTOWN, PA., *October* 9, 1889.

J. C. CRAVENS, ESQ.:

DEAR SIR: Yours of the 3d, inclosing one of July 24, was duly receiv
reply will state that I have in my possession a letter addressed to me dated J
5, 1889, from J. H. Bouslong. This letter I read to Senator Cockrell at the t
soon after I received it. If Senator Cockrell wishes at any time to use this l
am perfectly willing to send the same to him, or a copy of it. I do not feel ju
in sending letter or copy without the Senator's request to do so (in writing).

Hoping you will succeed in your efforts in the site matter,

Respectfully, yours,

THOS. D.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D, C., October 23, 1889.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.:

SIR: In connection with the printed paper, dated October 17, 1889, submitted to you by Messrs. Conger, Thayer and Coldren, counsel for, and incorporating statements made by, Messrs. Andrew J. Minard, A. R. Fearn, and Geo. A. C. Woolley, with accompanying written exhibits—affidavits; and in addition to my report addressed to you October 11, 1889, in the matter of selection of site for the proposed public building in Springfield, Mo., I have the honor to submit the following:

By reference to pages 2-B and 11-E, it will be observed that the persons named claimed to be the repsesentatives of South Springfield (not of the city of Springfield), and in which claim they seem to be self-styled and self-appointed, as the papers on file in this Department fail to show any authority having been vested in them either by the municipal authorities of Springfield, by any meeting of the citizens of Springfield, or by any meeting even of the citizens of the South Side of Springfield, and thus they seemingly either arrogate authority, or purposely endeavor to misrepresent themselves.

The papers above specified do not disprove any of the facts personally found by me, and set forth in my report of October 11; nor do they establish the points material to the question under consideration. They do not impartially and disinterestedly present the needs of the city of Springfield as a whole or the merits of the different proposed locations of the public building.

The papers are replete in misstatements and direct and deliberate falsehood.

On page iii, and in other parts of the printed paper, it is stated that "There has been much comment upon the question of center of population, and as to what bearing that question should have."

My report of October 11 does not refer to the center of population, but to the desire of the majority of the public, including business interests and the accommodation of the greatest number.

Center of population has not formed the factor of consideration of the subject, and all effort to represent the contrary is absolutely incorrect.

I now deem it proper to quote here, for such construction as you may deem right, act of Congress, approved June 23, 1874, Statutes at Large, volume 18, page 276: "Section 2. That in the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public as well as to the best interests of the Government; and the Secretary of the Treasury shall have power, and it shall be his duty, to set aside any selection which in his opinion has not been made solely with reference thereto."

In my examination of the various sites, and of the city of Springfield, and in making my report the following were the considerations potent to the case, viz, the convenience of general business and the general public of the city as a whole in relation to the postal and court business to be transacted at such building.

Said act of Congress does not contemplate that the personal interests and business of a limited number of citizens should be solely consulted, but that the interests and business of the citizens of the city as a whole must not be neglected in determining the location of a public building.

In regard to the statement made on page v of the postal business done at the post-office in South Springfield, and the postal business done at the subpost-office in North Springfield (claimed to have been furnished by the Post-Office Department), I deem it proper to prevent any misleading results from it by calling attention to the fact that said statement is valueless as it fails to set forth the number of persons who transacted the business, and the number of pieces of business transacted at the post-office and the subpost-office which entered into the two aggregate amounts of the postal business done at the respective places.

In regard to Exhibit A, and the reference made thereto in the fourth paragraph of page ii, concerning the value of business property and the amount of business done on and about the public square, I may state that against their correctness and presentation of existing facts is filed in the Department the sworn statement made by Mr. Paul Roulet, dated October 22, 1889, and many other statements.

Both statements referred to in paragraph 4 of page ii, in the printed paper referred to, and the sworn statement of Mr. Roulet, are too voluminous to quote here, and they are herewith inclosed.

In regard to Exhibit B (being one of the several affidavits signed by Messrs. A. R. Fearn, Andrew J. Minard, and George A. C. Woolley, subscribed and sworn to October 16, 1889, before Frank D. Marlow, notary public), I desire to call attention to the natural supposition and inference that a paper bearing notarial acknowledgment contains statements only within the personal knowledge of the subscribers. Much of the matter contained in said Exhibit B refers to my visit to Springfield. It is a

fact (acknowledged in the presence of witnesses) that Mr. Minard was not in Springfield October 1, 1889, the day that I visited that city, and, therefore, it is self-evident that the statements which he makes in said affidavit in regard to the subject are based upon hearsay, which, according to the well understood rules of evidence, is inadmissible. Thus, it is clearly shown that Mr. Minard's testimony on the subject is without credibility; is not true and does not merit consideration.

In further reference to the statements made to Exhibit B, I deem it a proper privilege to answer the reflection upon my deportment while visiting Springfield as follows:

The bulk of the statements made in Exhibit B are direct and deliberate falsehoods; the substance of the affidavit is a misstatement of facts, and that portion which refers to my having accepted a pleasure trip instead of attending first and solely to my business in Springfield is absolutely false; yet the name of the only person who spoke to me on the subject and received my reply is subscribed to the sworn statement in Exhibit B.

Any man or men who assert that any improper influence was attempted or had effect upon my action in connection with either my visit to Springfield or my report in regard thereto can only do so by the disregard and sacrifice of truth and honor.

Should you so desire, in support of my statements I will at any time furnish affidavits from unimpeachable witnesses, men of integrity and honor.

From my familiarity with the record of the case I call attention to the fact that the printed manuscript and accompanying exhibits are largely but a recall of many misstatements made in numerous papers previously submitted to this Department, and a criticism of the facts presented in my report of October 11, 1889.

Exhibit C is a historical sketch of the city of Springfield as claimed to be known and understood by Messrs. Fearh, Minard, and Woolley. It contains only individual statements and assertions without statistics being offered to support them, and have no special bearing upon the present status of the city's needs, and the prospective development of the "old town" is not supported by present activity there. In the main it refers to past incidents, and makes bold assertions concerning individual enterprise of others, present and contemplated, without authentic evidence.

The statement made in exhibit D in regard to the business growth of Springfield is contrary to the statements made to me by prominent citizens of the city; is contrary to what I found from personal observations and mentioned in my report; is contrary to what was found and reported in writing by Messrs. Edward T. Avery and George W. Whitehead, the agents of the Department who made personal examinations of the question of location, etc., and the relative merits of the different sites offered; and is contrary to the statements made by letter and maps dated April 17, 1889, submitted to the Department by Mr. P. Roulet, surveyor, who prepared the map of the corporation, which map is generally accepted as authentic, and is in use for all business and official purposes in Springfield.

In regard to the statement made in Exhibit E, relative to the number and value of the school-houses and churches in the northern and southern sections of the city (referred to in my report as showing density of population, etc.), I merely desire to repeat what I stated in my report of October 11, viz: The Kansas City, Springfield, and Memphis Railroad, near Pine street, is the actual dividing line of the two sections of the city. The northern section contains twenty-four churches, nine school-houses, Drury College, and three-fifths of the population of the city; the southern section contains nine churches, three school-houses, and two-fifths of the population of the city.

The statement made in my report of October 11, and repeated above, is practically corroborated by the aforesaid map of the corporation and by the inclosed sworn statement of Mr. P. Roulet, its author.

In Mr. Roulet's sworn statement the following is affirmed:

	No. of churches.	Value of churches.	No. of school-houses.	Value of school-houses.
North of Kansas City, Springfield and Memphis Railroad.....	24	$205,200	11	$136,000
South of Kansas City, Springfield and Memphis Railroad	12	170,500	4	77,500

In the affidavit of Messrs. Fearn, Minard, and Woolley—Exhibit E—the following is affirmed, without further support:

	No. of churches.	Value of churches.
"North of Pine street" (which is near the Kansas City, Springfield and Memphis Railroad line)	11	$91,500
"South of Pine street" (which is near the Kansas City, Springfield and Memphis Railroad line)	17	226,000

No definite statement as to number and value of school-houses.

Comparison of the above tables clearly shows material discrepancy between the statement made in exhibit E by Messrs. Fearn, Minard, and Woolley, and the affidavit of Mr. Roulet, the latter supported by his information in surveying the city and the map prepared by him.

Exhibit F gives Messrs. Fearn, Minard, and Woolley's statements in regard to the business growth of the city, etc., being toward the southwest of the public square. In this connection I must call attention to the opinion expressed in my report that the growth of the city is toward the west and north of the public square; to the opinion expressed in the report of Mr. Avery that the growth of the city is practically in the same directions; to the data given on small maps and letter submitted by Mr. Roulet, April 17, 1889; and the sworn statement made by Mr. Roulet, October 22, 1889, and numerous other papers on file in the Department expressing opinions confirmatory of those last specified.

In connection with exhibit G, statements of Messrs. Fearn, Minard, and Woolley which asserts the value of property in the different sections of the city, and claims that the value of the property in the vicinity of Brower and Boonville streets is $75 per front foot, I respectfully call attention to the following:

Mr. Roulet's sworn statement on the subject, dated October 23, 1889, claiming a different valuation of said property and that the value of the property at the corner of Brower and Boonville streets is $115 per front foot.

From information received from numerous reliable sources while in Springfield, I am assured that the minimum valuation of said property is about $115 per front foot.

Among the original proposals received in response to public advertisements in December, 1888, proposal number 3 asked $115 per front foot for property situated at said corner, and prices named in other proposals indicate that the price asked for said corner property was not excessive.

The proposal received October 3, 1889, from Messrs. Foley, Perkins, Whaley, offers the property at the corner of Brower and Boonville streets for $100 per front foot (a reduction of $15 per front foot from offers previously made).

Exhibit H is a statement of Messrs. Minard and Woolley, attempting to explain the circumstances of the passage of the resolutions by the city council (which resolutions favored the location of the building on Boonville between Center and Pine streets); and claims that said resolutions were passed by a "bare majority," and had the two absent members been present said resolutions would have been defeated, etc. Said Exhibit H also refers to the certification of the vote of city council, made by Mr. J. T. Rice, city clerk.

The claims and statements in said Exhibit H are absolutely disproved by the papers to which it refers, viz, the certified statement made by Mr. J. T. Rice, city clerk, concerning the meeting of the city council at which said resolutions were passed, which states as follows: Fourteen members of the city council were present; two were absent; nine voted for the adoption of the resolutions; five voted against the adoption of the resolutions.

Attached to said paper prepared by Mr. Rice is a written statement from one of the two members who were absent from the meeting of the city council, saying that had he been present he would have voted against said resolutions; also a written statement prepared for the signature of the other member who was absent, which is not signed.

Thus it appears from the certified statement of the city clerk that seven-eighths of the members of the city council were present at the meeting at which the resolutions were passed, and that the resolutions were adopted by nine-fourteenths of the members present, or a majority of four.

I inclose herewith letter dated May 17, 1889, from said J. T. Rice, city clerk, claiming to be a south side man, protesting against the St. Louis and Jefferson streets site, and favoring the location of the building in the north side of the city.

Exhibit J is a statement of Messrs. Minard and Woolley, claiming in substance that the mass meetings of the citizens of Springfield, at which earnest and strong resolutions were adopted, presenting forcible arguments condemnatory of the St.

Louis and Jefferson streets site, and as to why the building should be located in the vicinity of Center and Pine streets on Boonville street, was not held after public notice.

In this connection I deem it proper to call attention to the fact that in the preamble of said resolutions it is claimed that the meeting was held "pursuant to public announcement," "at the court-house" (which building was on the west side of the public square in the south of the city), and that "the meeting was crowded;" also that the paper is subscribed to by Mr. J. T. Atkinson, as chairman, and Mr. Charles H. Gaffe as secretary; and that Mr. Atkinson is known to be the ex-mayor of the city of Springfield, in whose integrity the people by public ballot have expressed their confidence, and he is at present the president of the Merchants' Exchange.

I am also advised from other reliable sources that there was public announcement made that said meeting would be held.

Exhibit K is a statement of Messrs. Minard and Wolley in regard to the location of the county buildings (jail and court-house), in connection with which I only deem it pertinent to state that the location of the county buildings in the vicinity of Center street and Robberson avenue in the north side was the result of duly exercised official judgment and authority on part of certain officials; that the jail is now being built there; and that the present rented city offices is on Boonville street near Center street, in the north side of the city.

In regard to Exhibit L, being alleged copy of letter from Hon. F. M. Cockrell to Colonel Cravens, dated July 19, 1889, and alleged copy of letter from Mr. Thomas D. Fister to Colonel Cravens, dated October 9, 1889, relating to alleged attempts at undue influence with Mr. Fister, I deem it proper to invite attention to office letter, dated May 10, 1889, addressed to you by me; Department letter, dated May 10, 1889, addressed by you to Mr. George W. Whitehead, special agent of the Treasury Department; report dated May 22, 1889, made by Mr. George W. Whitehead, which plainly established the fact that this office and this Department have already taken such action as was thought proper relative to the alleged use of undue influence with Mr. Fister.

It seems proper that attention should be called to the affidavit of E. T. Robberson, dated April 22, 1889, on the subject.

In my report of October 11, 1889, I omitted to make reference to the fact that the two justices of the county court had adopted resolutions favoring a location for the building in the north side of the city. Said resolutions are herewith inclosed.

In concluding my reference to the statements made by Messrs. Fearn, Minard, and Woolley, set forth in the several exhibits above specified, it seems pertinent that I should call attention to the fact that while these persons are prolific in their assertions of general knowledge of matters pertaining to the business and interests of others, they fail, and seem to have carefully avoided, to indicate or explain their own peculiar real estate and other interests in the matter.

I submit that they could better affirm their own affairs and interest than the affairs and interests of others which they have sworn to.

Also, that their affidavits are largely based upon conditions and beliefs, and have not the value of unqualified affirmations.

These persons seemingly regard themselves as the only authority and claim to know all things for those who have not delegated them, the value of property, the business and individual interests, the influence of circumstances, the contemplated actions of individuals and corporations, etc., while their knowledge, indicated by their statements, is limited and very incorrectly expressed.

SUMMARY.

In conclusion, permit me to reassert my opinion that the selection of a site for the public building for the city of Springfield on Boonville street between Pine and Center streets, will best meet the demands of the public and tend to advance the city as a whole, and that the choice is sustained by the arguments, presentation of facts, the written and verbal statements of city officials, county officials, ex-officials, the city council, presiding and associate justices of the county court, *et al.*, a large number of prominent citizens, and apparently by the great majority of the citizens of the city.

If the question was put to the vote of the people I have not the least doubt that a large majority would vote to locate the building in North Springfield, on Boonville near or between Pine and Center streets.

The following is shown by the map of the corporation, and the sworn statement made by Mr. Paul Roulet, surveyor, dated October 22, 1889:

	Yards.
Distance between the center of business in the public square ("Old Town," South Springfield) to the business center on Commercial street (in North Springfield) is	2,450
Distance between the public square and corner of St. Louis and Jefferson streets (outside *business* boundary limit east)	

	Yards.
Distance between corner Commercial and Boonville streets and corner Brower and Commercial streets	1,675
Distance between public square (south) and corner of Boonville and Brower streets (north)	775
Distance between corner St. Louis and Jefferson streets (east) and corner Boonville and Commercial streets (north)	2,666

Thus it will be seen that should the building be located at the corner of Boonville and Brower streets instead of St. Louis and Jefferson streets—

	Yards.
The distance from the center of the public square, less the distance from the center of the public square to St. Louis and Jefferson streets, will be	564½
The business center on Commercial street (north) will be convenienced by a less distance of	1,681½
The people in and about Brower and Pine streets will be convenienced by a less distance	785½

The fact should not be lost sight of that there is a business growing in North Springfield representing the investment of considerable capital, and annual business, the extent of which has been shown by papers filed in the Department.

The various papers filed in the Department in regard to the capital invested in business and the annual business done in the south section of the city have already been presented to you.

In view of the considerable time that has been consumed by this Department in its effort to adjust the question of location of the public building at Springfield in such manner as would harmonize the dissension and opposition between individuals and factions of the city, and in view of equally important business connected with public buildings in other cities throughout the country demanding the attention of this office, and of the great volume of business of vital importance to the country demanding your official attention, I respectfully suggest that you will decide the case at the earliest possible day.

Since the date of my report of October 11, 1889, the following papers have been received, which I inclose for your further information on the subject; nearly all of which protest against the St. Louis and Jefferson streets site and favor the location of the building on Boonville street in the north section of the city:

Letter, dated October 15, 1889, from A. W. Lincoln, probate judge, Greene County, Mo.

Two sworn statements, dated October 22, 1889, from Paul Roulet.

Two sworn statements, dated October 23, 1889, from Paul Roulet

Letter, dated October 15, 1889, from William Matthie, city recorder.

Letter, dated October 15 1889, from D B. Smith, assistant justice, circuit court.

Letter, dated October 15, 1889, from Hon. S.W. Headler, State senator, Nineteenth district.

Letter, dated October 15, 1889, from G. A. Ramsey.

Letter, dated October 15, 1889, from A. W. Ollis, president Merchants' Exchange and ex-mayor.

Telegram, dated October 18, 1889, from G. A. Ramsey.

Letter, dated October 16, 1888, from W S. C. Dillard, county assessor.

Letter, dated October 16, 1889, from E. D. Parce, city treasurer.

Letter, dated October 16, 1889, from J. T Atkinson, ex-mayor.

Letter, dated October 16, 1889 from R. N. Powerman, presiding justice, circuit court.

Letter, dated October 16, 1889, from John Foley, city collector.

Letter, dated October 17, 1889, from J. W. McCullock, county treasurer.

Telegram, dated October 10, 1889, from T. B. Holland.

Petition, dated October 9, 1889, from T. B. Holland & Son *et al.*

Petition, dated October 2, 1889, from James Abbott.

All other papers received in connection with the case have been brought to your attention recently and at various other times.

In connection with all that part of exhibit B (being affidavit of Messrs. Fearn, Minard, and Woolley) which describes the meeting of the citizens of Springfield at the Opera House October 1, 1889, has "a disorderly discussion on the hustings was substituted for a careful and deliberate hearing," etc., I deem it proper to again make specific mention of the statement made in my report of October 11, 1889, of the character of said meeting; of the relative merits of the site in the south side and the sites in the north side being there argumentatively presented by the adherents of each of the two sections of the city; of the vote expressing the sense of said meeting on the question resulting in about two-thirds favoring a location in the north side,

and about one-third favoring a location in the south side. The meeting was both dignified and orderly and attended by a large number of citizens earnestly interested in the question.

Very respectfully submitted.

JAS. H. WINDRIM,
Supervising Architect.

In re site public building, Springfield, Mo.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
November 16, 1889.

All reports, arguments, affidavits, letters, maps, and other papers relating to the matter of site for the proposed public building in Springfield, Mo., were duly submitted to me, and after a full review of the record and history of the case and a careful consideration of the question, I hereby direct that the proceedings in condemnation against the property situated at the southwest corner of St. Louis and Jefferson streets, which were suspended agreeably to request made in Department letter of the 5th ultimo, addressed to the Attorney-General, be abandoned, and hereby select the property situate at the corner of Boonville and Brower streets as the site for the proposed public building in Springfield, Mo., and direct that the proposal of Messrs. Foley, Perkins & Whaley, dated October 3, 1889, to sell said property to the United States for said purpose for $20,000, be accepted, and that the papers necessary to carry this decision into effect be immediately prepared.

W. WINDOM,
Secretary.

APRIL 18, 1890.

Mr. Chairman, I desire to state that after giving my testimony before this committee April 11, in thinking over the same at my leisure, I realized that what I said were mainly brief statements in answer to questions which were asked of me and that I did not express myself as fully in regard to some points as I desire to, and at a future time when I shall have been able to obtain a copy of that testimony I desire, and now give notice of my purpose to amplify and add to some parts of my testimony on that day.

I also would like to state that, after reading the testimony previously given by certain parties before this committee, I deem it proper to state to this committee that I desire either the privilege of showing the errors and misstatements made therein by the cross-examination of witnesses, or otherwise, as I may elect.

As this seems to be as good a time as any for me to introduce some of the papers which I desire to submit in evidence, and which will furnish some of the contradiction which I propose to make and support by duly authenticated evidence, namely, affidavits, papers, etc., in regard to all of that part of the testimony given by Andrew J. Minard and George A. C. Woolley in the testimony heretofore given by them before your committee, relative to localities of business, amount of business done, capital invested, convenience of location of building to business, distances between the two sites referred to, value of land, etc., I now offer the following papers:

In regard to the value of land and in disproval of the statements made by Messrs. Minard and Woolley that an excessive price was paid for the property purchased at the corner of Brower and Boonville streets, I offer the proposal, dated December 15, 1888, of Foley & Hutchinson and Charles Perkins, which was received in response to the advertisement in December, 1888. This is the paper; it is numbered 3–R.

As I intend to offer a number of affidavits made by Paul Roulet, it may be important that his identity and responsibility as a man and as

a citizen of Springfield should be established, and I now submit in evidence letters dated October 5 and October 16, 1889, addressed to me by Mr. A. W. Ollis, president of the merchant's exchange, introducing Mr. Roulet. These are the papers; they are numbered 242–R and 258–R, and I offer them in evidence.

In regard to the value of land in different localities in Springfield, I offer this affidavit of Mr. Paul Roulet, dated October 3, 1889; it is numbered 260–R.

In regard to the tabulated statements which were submitted by Mr. Geo. A. C. Woolley, I offer this affidavit of Mr. Paul Roulet, dated October 23, 1889; it is numbered 261–R.

In regard to business, capital, and manufactures in the north part of Springfield, churches, school-houses, etc., capital invested, a list of the business houses on Commercial street, North Springfield; distance between different localities; value of churches and school-houses north and south of the Kansas City, St. Louis and Memphis Railroad, the dividing line of North and South Springfield; school buildings north of the Gulf Railroad track and south of it. This is the paper; it is numbered 263–R, and sets forth some very interesting statistics.

In regard to statements from other parties concerning the value of land situated in the immediate vicinity of the Boonville and Brower streets property, I offer in evidence the following, which show the prices paid within the last two years, or thereabouts, by private individuals for property situated in that locality.

Affidavit of Paul Roulet, dated April 1, 1890; it is numbered 352–D–R. Affidavit of G. A. Ramsey, dated April 2, 1890. This is the paper; it is numbered 352–A–R. Affidavit of Richard A. Ollis, dated April 2, 1890; this is the paper; it is numbered 352–B–R. Affidavit of Conrad Eckas, dated April 2, 1890; this is the paper; it is numbered 352–E–R. Affidavit of Jerome T. Gray; dated April 2, 1890; it is numbered 352–C–R. Letter dated April 2, 1890, addressed to me by Mr. A. W. Ollis, president of the merchants' exchange; this is the paper; it is numbered 352–R. All of which I offer in evidence, with the statement that they were voluntarily forwarded without any suggestion or request being made for them.

In regard to the distributing of capital about the public square, the location of true center of business, I offer this affidavit of Mr. Paul Roulet; it defines the northeast, southeast; southwest and northwest quarters of the business of the old town, South Springfield; it compares the east and west halves and the north and south halves as to the capital invested; it compares the east and west halves and the north and south halves of the entire business done; it shows the bank stock in the north half and in the south half; that the center of business is Boonville street; the people of Springfield desire a central location; that the wholesale merchants who desire a central location represent $100,000 capital majority; the relative positions of bank capital on the subject of central location, political aspect, distribution of capital and business in the old center, etc. This is the paper; it is numbered 262–R.

To show that these papers are simply confirmatory of statements previously made by Mr. Roulet, I offer this letter, dated April 17, 1889, addressed to the Secretary by Mr. Roulet; it is numbered 177–R.

All of these papers I offer in evidence and I request that they be printed in the report of the proceedings of this investigation.

The papers to which I have referred and which I have offered in evidence in this connection are only a few of the great many papers mak-

ing similar statements, and reference should be made to them by the committee.

I desire to invite the special attention of this committee to a fact which seems to have some important significance in connection with the actions of Messrs. Minard, Woolley, and Fearn, and of other parties who have advocated the St. Louis and Jefferson street property, and have been untiring in their opposition to the selection of any other property for a site for the building; that they name this particular piece of property: that they have not specified any other piece of property in the south side of Springfield; while the people of the north side of Springfield, as indicated by a very great many papers received in this case, have allowed several blocks as the proper location that would provide due convenience for the commercial business, the public business, or the business of the Government and of the people of Springfield, as a whole.

I also desire to call the special attention of this committee to what seems to be another fact having peculiar significance.

Messrs. Minard, Woolley, and Fearn, and many of the persons who have untiringly and most zealously urged, and by every possible means have endeavored to have the St. Louis and Jefferson street property selected, and their counsel, Messrs. Thayer and Conger, have been unremitting in their efforts to impress upon this committee and upon the Treasury Department the fact that this property was offered to the United States for a dollar.

In the papers which they have submitted to the Department, in the testimony which they have given before this committee, they have represented that property as being worth $23,000 or $24,000; they have admitted that they have important business interests in Springfield; that they are largely interested in real estate matters; that they have left their business for weeks and months at different times; have come to Washington, necessarily incurring traveling and living expenses; they employed counsel; have continously employed counsel since April, 1889, to the present day—one year's continuous employment, and counsel, too, that do no twork for nothing, but who require payment for their services of no small amounts.

With this statement I also wish to call the particular attention of this committee to a business fact: That men, especially those who are not possessed of great wealth, who are comparatively in moderate circumstances, do not take such action, involving the giving away of valuable property, the expenditure of considerable money, purely from a disinterested public spirited object, but they always expect a remunerative return with profit for such action.

I offer these suggestions so that this committee in its duty in investigating the controlling influence of actions in this case may endeavor to ascertain what personal interests and objects controlled these persons who are foremost, and untiring, and unremitting in their efforts to secure the accomplishment of their object, namely, the selection of the St. Louis and Jefferson street property; and in those efforts they even attack and reflect upon the personal integrity of men who have thus far throughout life stood without having the slightest things said, even by way of an insinuation, against their honorable deportment and character.

I do not deem it necessary to go further into this subject at this time, but I shall reserve the privilege—which I know this committee will properly accord me—to further present this case in such a way as will lead to the full and proper discharge of the duty with which they are charged.

3—R.

[Office of Foley & Rice, opposite Perkins Opera House, Boonville street. John Foley, city collector; J. T. Rice, city clerk.]

SPRINGFIELD, MO., *December* 15, 188 .

To Hon. SECRETARY OF TREASURY:

We, the undersigned, would most respectfully offer the following described property for a site or location for the United States building to be erected in this city, to wit:

That piece of property situate on the east side of Boonville street and lying on the north side of Brower street, being 147 feet front on Boonville street, and depth to alley in rear 115 feet, more or less, at and for the price of $115 per front foot.

FOLEY & HUTCHISON.
CHARLES PERKINS.

242—R.

SPRINGFIELD MERCHANTS' EXCHANGE.
Springfield, Mo., October 5, 1889.

Hon. JAS. H. WINDRIM,
Supervising Architect, Washington, D. C.:

DEAR SIR: This is to certify that Mr. J. F. G. Bentley is authorized to express the opinion and wishes of the Merchants' Exchange as regards the location of the United States Government building proposed for this city, and in making known our desires in the premises we feel assured Mr. Bentley will voice the sentiment of a large majority of the people of the city of Springfield.

Most respectfully,

A. W. OLLIS,
President.

258—R.

SPRINGFIELD MERCHANTS' EXCHANGE,
SPRINGFIELD, MO., *October* 16, 1889.

Hon. J. H. WINDRIM,
Supervising Architect, Washington, D. C.:

DEAR SIR: Permit me to introduce Mr. Paul Roulet, one of Springfield's substantia citizens, and publisher of our city map. Mr. Roulet is very familiar with the geography of Springfield, and conversant with the facts and figures in relation to the growth and development of the city, and may possibly be of service to you in matters pertaining to the proposed Government building for this place.

With great respect, I am, very truly,

A. W. OLLIS,
President Merchants' Exchange.

260—R.

Estimate of value per front foot on Boonville and Commercial streets.

Boonville street:	
Pine to public square	$175 to $500
Center to Pine street	115 to 175
Center street to Commercial street	80 to 150
Commercial street:	
Boonville street to Benton avenue	125 to 175
Other parts from	125 down.

NOTE.—These values are based on sales on these streets, details of which can be furnished if desired.

Boonville has always been the principal artery of trade between the two towns. It is the only street joining the two business centers which is curbed and guttered

on both sides through its entire length from the square to Commercial street with first-class curbing. Same as that around the public square.

It is the only street that is macadamized—between the two centers—to Commercial street with same material, in same amount, quality, and finish as that put on the public square last winter.

WASHINGTON CITY, *District of Columbia, ss:*

Before me, the undersigned notary public, personally appeared Paul Roulet, of Springfield, Mo., who, being duly sworn according to law, made oath that all the statements and facts herein set forth are true to the best of his knowledge and belief.

PAUL ROULET.

Witness my hand and notarial seal this 23d day of October, A. D. 1889.

[SEAL.] HARRY M. EARLE,
Notary Public.

261—R.

WASHINGTON, D. C., *October* 23, 1889.

To the Hon. J. H. WINDRIM,
Washington, D. C.:

SIR: Mr. George A. C. Woolley has furnished the Department an itemized list of "the amount of capital invested and annual business done in and around and within four blocks of the public square, *not* (the underscore is Mr. Woolley's) including the banking or wholesale business. The last two items are shown by accompanying affidavits. Signed Geo. A. C. Woolley."

I have examined Mr. Woolley's list, and I find capital invested in "banking or wholesale business," therein reported, amounting to $478,000, and annual business as above to $1,385,000.

Below I give a literal copy of the items.

Name of street or square.	Capital.	Annual business.
Public square:		
No. 149, W. A. Hall & Son, wholesale and retail drugs	$20,000	$50,000
South street:		
Nos. 316 and 318, Rothschild & Co., wholesale clothiers	30,000	130,000
College street:		
No. 220, Springfield's saving-bank, A. H. Rogers, president. (The above is in the affidavit.)	25,000	
Boonville street:		
No. 321, M. L. Middleton & Co., wholesale grocers	10,000	100,000
Nos. 600 and 603, Queen City Milling Company	50,000	150,000
No. 515, W. R. Fisher, wholesale produce	3,000	30,000
Nos. 207 and 209, Brown and Murphy, wholesale liquors	15,000	75,000
St. Louis street:		
No. 305, Springfield Hardware Company. (The above is in the affidavits.)	150,000	300,000
Water street:		
No.—, Massey & Herndon, wholesale shoe company	75,000	250,000
No. 305, Henry Ames & Co	100,000	300,000
Total amount to deduct from his estimate	$478,000	1,385,000

Respectfully submitted,

PAUL ROULET.

DISTRICT OF COLUMBIA, *to wit:*

Before me, the undersigned notary public, personally appeared Paul Roulet, who, being duly sworn according to law, made oath that all the facts herein set forth are true to the best of his knowledge and belief.

PAUL ROULET.

Witness my hand and notarial seal this 24th day of October, A. D. 1889.

[SEAL.] HARRY M. EARLE,
Notary Public.

List of business done and capital invested on Commercial street.

Name and business.	Capital.	Annual business.
W. A. Reed, druggist	$12,000	$15,0
Dr. Weir, physician		5,5
Dr. James, physician		6,0
L. Pipkin, wall-paper, books	10,000	10,0
L. Mayor, jeweler	6,000	6,0
A. Carr, confectioner	1,000	2,5
Chinese laundry	100	2,0
Shoemaker	1,100	1,0
W. Douthett, hardware and stores	4,000	10,0
Tuller, loans	10,000	100,0
A. Lincoln, lawyer	500	5,0
A. M. Haswell, real-estate agent	400	33,0
Edwards, dry goods	10,000	25,0
Mrs. Mitchell, millinery	8,000	20,0
Lody & Co., Pallace dry goods	30,000	75,0
Grocery	8,000	20,0
J. M. Doling & Son, dry goods, boots, and shoes	40,000	100,0
Arlington Hotel	12,000	10,0
Photographer	1,000	1,2
F. E. Atwood, real estate	50,000	50,0
Lockwood, Shade & Co., dry goods	30,000	40,0
Parker & Co., groceries	5,000	15,0
Godey, feed	2,000	5,0
Kautholz, groceries	12,500	4,0
A. W. Ollis, farm loans	15,000	250,0
Shoemaker	200	4
Galvanized Iron Works	2,500	4,5
A. R. Dixon, printer	3,000	3,0
Herald Printing Company	3,000	3,0
Billiard hall	1,000	11,2
Hankins, coal, wood, sand	2,500	12,0
Eckas & Son, furniture, R. & W	30,000	250,0
Rathbone, queensware	6,000	12,0
Elwood, furniture	5,000	10,0
Robberson & Peers, dry goods	20,000	40,0
Cor. Cam'l & Com'l, dry goods	10,000	20,0
C. C. Hill, coal, sand, wood	1,500	10,0
C. C. Hill, ice		4,0
Lemp, wholesale beer house	10,000	100,0
Frick, cabinet-maker	500	1,5
McKnight, Ozark Hotel	30,000	20,0
Dr. West, dentist		1,0
Copeland & Hay, real estate	10,000	25,0
Copeland, Daily Journal	3,000	8,0
Brown, grocer	1,000	3,0
J. Isley, restaurant	5,000	3,0
L. Meissbach, barber	4,000	2,0
Moorman, barber	3,000	2,0
Johnson & Kelly, barbers	1,500	2,0
Co-operative store, groceries	5,000	5,0
Johnson, business college	500	1,0
Booneville Street Meat Market	2,500	2,0
Dr. Hyde, justice of the peace	500	2,5
Dr. West, justice of the peace	500	2,5
John Moon, lawyer	250	1,5
John Clark, lawyer	250	1,5
White, undertaker	3,000	3,0
Millikan, undertaker	2,000	2,0
Booneville Street Livery Stable	5,000	4,5
Commercial Street Dollar Store	8,000	10,0
Price, dry goods	10,000	20,0
Dollar store	8,000	15,0
Dr. Bartlett, city drug store	8,000	15,0
Dr. Bartlett, physician		4,0
Morrow's successor, dentist		1,2
Sweet, grocery	3,000	6,0
A. Clark, jeweler	7,500	4,0
Payton & Sons, grocers	8,000	15,0
Drug store	7,500	12,0
Mayo, grocery	5,000	12,0
J. C. McMaster, hardware and implements	15,000	24,0
Parce & Burlingame, buggies and implements	25,000	100,0
Grocery	2,500	2,0
Bills, grocery	1,200	1,2
Commercial-street feed store and grocery	2,500	2,4
Chri- Cule, saloon	8,500	20,0
Red l nt grocery	4,500	5,0
James Stoughton, saloon	6,000	20,0
J. Baum, stoves and tinware	2,000	2,4
W. Wickiser, photographer	2,500	2,4

List of business done and capital invested on Commercial street—Continued.

Name and business.	Capital.	Annual business.
Baldwin's meat market	$2,400	$12,000
Miller, grocery	4,000	8,000
Dr. Agnew, druggist	5,000	14,000
Dr. Wyatt, physician	.....	3,000
Gilchrist, livery stable	18,000	4,000
L. M. Hill, real estate and loans	2,500	100,000
B. Fay, restaurant	10,000	10,000
Mrs. Leedy, millinery	8,000	15,000
Wrightsman, grocery	5,000	17,500
J. Derxs, boots and shoes	10,000	20,000
Coombs, real estate	25,000	50,000
Dr. Gifford, physician	.....	1,500
Grier & Damron, saloon	8,000	15,000
Confectionery	15,000	4,000
L. Hansford, Lyon House	20,000	24,000
Garlick, meat market	4,000	8,000
Dr. Hill, physician	.....	3,500
Dr. Moorland, physician	.....	2,000
Dr. Smith, physician	.....	2,000
Stevenson & Morse, real estate	50,000	60,000
Lunch counter	500	1,200
Indian relic	1,500	2,500
Martin, real estate	25,000	50,000
Grocery	5,000	8,500
Second furniture	1,000	7,500
P. B. Perkins, restaurant	15,000	18,000
Jefferson-street hotel	6,500	6,500
Mrs. Gray, boarding house	7,000	7,000
Hagerman & Kellogg, real estate	1,000	25,000
Mrs. McKinna, books and notions	5,000	4,000
Knelly, meat market	7,500	15,000
W. A. Howard, real estate	1,000	45,000
Dr. Barnes, physician	.....	2,000
A. Conrady, jeweler	1,000	1,200
Ed. Williams, boots and shoes	12,000	25,000
Bolivar House	4,000	4,000
Frisco House	6,000	6,000
Lindquist, merchant tailor	1,500	5,000
Hamburg bakery	1,200	3,600
Inwood Park store	2,000	3,600
Total	857,500	2,320,600

All industries not mentioned in the foregoing list.

Frisco shops, freight tracks, yards, and stock	$750,000
Eisenmeyer Milling Company	50,000
Anchor Mills	28,000
Springfield street railway headquarters on Division street	200,000
Bank of Springfield	100,000
Bunker Brothers, lumber yard, north of Division street	15,000
S. A. Brown, lumber yard, north of Division street	15,000
Chappell & Hargis, lumber yard, on Commercial street	15,000
New lumber yard, Robberson avenue and Pacific street	5,000
Springfield pottery, north of Frisco track	10,000
Plunkett foundry, about to be opened north of Frisco track	15,000
Springfield water works	200,000
Davies planing mill, Robberson and Calhoun streets	40,000
Rand's brick yard, Grant street on Center street	12,000
Randall's brick yard, north of Division street	6,000
Brick yard, near Springfield pottery	5,000
F. A. Heackert's cigar factory, Division and Boonville streets	7,500
Springfield wagon factory (estimated)	100,000
Springfield furniture factory, fellows (estimated)	20,000
Springfield planing mill, Campbell street	25,000
Springfield foundry and machine shops, Mill street	30,000
Perkins's foundry and machine shops	30,000
Eversol grist mill, corner Phelps and Campbell	25,000
Two ice factories	40,000
Furniture factory, Broad street	20,000
Queen City Milling Company, Boonville street	50,000
Springfield White Lime Works	30,000
	1,843,500
Capital invested north of Center street	857,500
	2,701,000

263—R.

Hon. WILLIAM WINDOM,
Secretary of the Treasury:

SIR: I have the honor to submit the following statement in regard to the churches and school-houses north and south of the Kansas City, Springfield and Memphis Railroad, the dividing line of North and South Springfield.

Churches north of railroad.

Pilgrim Congregational (nearly done—roof on), brick and limestone	$12,000
Pilgrim Mission, Kearney street, frame	2,500
Pilgrim Mission, Springfield avenue, frame	2,500
First Congregational, Jefferson and Locust, frame	10,000
W. Avenue Methodist Episcopal Church, frame	3,000
B. Avenue Methodist Episcopal Church, Locust street, brick	8,000
Campbell Street Methodist Episcopal Church, Division street, brick	10,000
Mount Carmel Methodist Episcopal Church, Mission avenue, frame	2,500
Second Baptist Church, Robberson avenue, frame	7,500
Springfield Avenue Baptist Church, Springfield avenue, new building (north Frisco track)	1,000
Methodist Episcopal Church (colored), Benton and Center, brick	10,000
Second Presbyterian, brick	12,000
Washington Avenue Christian Church (ready for roof), brick	10,000
St. John Episcopal Church, limestone	12,000
Church Sacred Heart, Locust, limestone	12,000
Church Immaculate Conception, Campbell and Pine, limestone	25,000
Swedish Church, Robberson avenue and Chestnut, frame	5,000
German Evangelical, north of Pine, frame	5,000
Free German Church, western part of city	1,200
Stone Chapel, part of Drury College, Benton and Center streets, stone	45,000
Swedish Baptist Church, Campbell and Webster streets, frame	3,000
First Baptist (colored), Washington and Sycamore streets, frame	2,500
Cumberland Presbyterian (colored), Phelps and Jefferson streets, brick	3,500
	205,200

Churches south of railroad.

Calvin Presbyterian Church, Benton and St. Louis, brick	25,000
Calvin Presbyterian Church Mission, St. Louis and Springfield avenue, frame	2,500
Central Congregational Church, Walnut and Market, brick	16,000
Christ Church, Episcopal, Walnut and Kimbrough, frame	10,000
Cumberland Presbyterian Church, Jefferson and Olive, brick (old)	12,000
First Baptist, South near Elm, frame	10,000
First Christian Church, College and Campbell, brick	25,000
Grace Methodist Episcopal Church, South street and South alley, brick	18,000
South Street Christian Church, brick	16,000
St. Paul Methodist Episcopal Church, South, brick	25,000
Springfield Mission of Methodist Episcopal Church, Mt. and Evans, vacant lot	1,000
Westminster Presbyterian Church, Elm and Jefferson, frame	10,000
	170,500

School buildings of brick north of the Gulf Railroad track.

Three ward schools, at $6,000 each	18,000
Ward school near Lafayette Park	25,000
Lincoln school, colored, Washington avenue	15,000
Weaver school, Center street	10,000
Loretto Academy, Catholic	15,000
Church of Sacred Heart Parish	3,000
Drury College, Museum, Library, and Fairbank's Hall, three buildings	50,000
Total	136,000

Value of schools in south part of city.

Central high school, Jefferson and Olive streets	$50,000
Phelps school, Cherry and Kimbrough streets	10,000
Campbell school, Grant and Mount Vernon	10,000
Westminster Presbytery and Seminary, frame	7,500
Total	77,500

DISTRICT OF COLUMBIA, *to wit:*

Paul Roulet, of Springfield, Mo., being duly sworn, affirms that all the statements contained in the foregoing instruments of writing are true and correct to the best of his knowledge and belief.

PAUL ROULET.

Sworn to and subscribed before me this 22d day of October, A. D. 1889.
[SEAL.] HARRY M. EARLE,
Notary Public.

352—D-R.

STATE OF MISSOURI, *County of Greene, ss:*

Paul Roulet and Louis Lambelet, of lawful age, declare and affirm that they bought of Patrick Hayes, the 24th of February, 1888, a tract of land of 40 feet frontage on the west side of Boonville street and opposite the Government building site, and paid cash for said 40 feet frontage lot the sum of $4,200.

They bought also the 5th of March, 1888, of Mrs. C. L. Johnson and her son, Thos. J. Johnson, a lot of 30-foot frontage adjoining on the south the above mentioned 40-foot lot, and paid cash for said 30-foot lot the sum of $3,000. On each lot was an old frame building of no value whatever.

PAUL ROULET.
LOUIS LAMBELET.

Subscribed and affirmed to by Paul Roulet and Louis Lambelet, before me, this 1st day of April, 1890.
[SEAL.] RICH'D A. OLLIS,
Notary Public.

My commission expires April 17, 1892.

352—A-R.

STATE OF MISSOURI, *County of Greene, ss:*

George A. Ramsey, being duly sworn, on his oath says that on the 10th day of July, 1889, he purchased from J. L. & J. S. Boarman, a lot of land 36½ feet front on Boonville street, between Center and Brower streets, in the city of Springfield, Mo., that is, to wit: 16 feet and 6 inches off of the north side of lot No. 7, and 20 feet off of the south side of lot No. 6 in John S. Waddill's addition to the city of Springfield, Mo., as shown by the recorded plat of said addition; paying for the same the sum of $4,200; that the affiant bought this property for business purposes and at a time when the public building seemed to be located on the Fister site, corner of Jefferson and St. Louis streets. That at that time the above property was the cheapest property on Boonville street between Center street and the square. That the affiant does not believe that any property between Center street and the public square on Boonville street could have been purchased at any time during the past year for less than $100 per front foot.

GEORGE A. RAMSEY.

Subscribed to and sworn to before me this 2d day of April, 1890.
[SEAL.] ANDREW OTTERSON, JR.,
Notary Public.

352—B–R.

STATE OF MISSISSIPPI, *County of Greene, ss:*

Richard A. Ollis, being duly sworn, doth upon his oath say and swear that on or about May 1, 1888, he purchased a vacant lot 33 feet front on Boonville street, corner of Brower street, in the city of Springfield, county and State aforesaid, paying the sum of $3,300 for the same.

RICHARD A. OLLIS.

Subscribed and sworn to before me this 2d day of April, A. D. 1890.
[SEAL.] GEO. T. DAVIES,
Notary Public.

My commission as notary public will expire November 23, 1891.

352—E–R.

STATE OF MISSOURI, *County of Greene, ss:*

Conrad Eckas, being duly sworn, doth upon oath say that on or about two years ago he purchased from Mrs. Rosina Kellett a lot of land on the west side of Boonville street, corner of Brower street, in the city of Springfield, county and State aforesaid, being 78¼ feet frontage on Boonville, for which said lot he paid the sum of $105 per front foot; that he purchased said ground for business purposes with no thought of the "Government building." Affiant further states that he had in contemplation the erection of a business block five stories and basement, occupying the whole of said front, and in anticipation of that improvement has recently made sale of an extensive stock of merchandise and confidently expects to begin active work on the proposed improvement at an early day.

CONRAD ECKAS.

Subscribed and sworn to before me, this 2d day of April, A. D. 1890.
[SEAL.] RICHARD A. OLLIS,
Notary Public.

My notarial commission will expire April 17, 1892.

352—C–R.

STATE OF MISSOURI, *County of Greene, ss:*

Jerome T. Gray, being duly sworn, upon oath says and swears that he is owner of a lot of land on the west side of Boonville street, between Brower street and Center street, in the city of Springfield, county and State aforesaid, to wit, 50 feet front by about 150 feet in depth, of which said lot affiant has been the owner for more than five years. Affiant further states that at no time within the past two years would he have offered said property for sale at a less price than $100 per front foot, and that within the past six months he has refused an offer of $6,000 for said 50 feet, and that the building on said lot (used as cheap lodging-house) could not be sold for more than $300.

JEROME T. GRAY.

Subscribed and sworn to before me this 2d day of April, 1890.
[SEAL.] RICH'D A. OLLIS,
Notary Public.

My notarial commission will expire April 17, 1892.

352—R.

SPRINGFIELD MERCHANTS' EXCHANGE,
Springfield, Mo., April 2, 1890.

Hon. J. H. WINDRIM,
Supervising Architect, Washington, D. C.:

DEAR SIR: Please accept the assurance of sympathy from your friends here for the onslaught the *godless* "southsiders" are making upon you. As a proof of property values on Boonville street I inclose some affidavits; will forward more to-morrow;

plenty can be obtained. The fact that the land you purchased for the Government actually cost $3,300 more than was paid by the United States ought to have some bearing upon the case as regards value; will get an affidavit to that effect. Incidentally, it may be of interest that the Republicans yesterday elected E. D. Parce mayor of Springfield. Mr. Parce is a pronounced *Center* man, resident of the north end. Large majority.

Very truly,

A. W. OLLIS.

353—A.

STATE OF MISSOURI, *County of Greene:*

E. T. Robberson, being duly sworn on his oath, says on January 16, 1888, I sold to J. L. Boarman 6 feet off of south side of lot 2, and 19 feet off of north side of lot 3, in John S. Waddell's addition to Springfield, Mo., for $2,500 cash. Said lot being about 300 feet north of the lot selected for Government building site, on the east side of Boonville street.

E. T. ROBBERSON.

Sworn to and subscribed before me this 4th day of April, 1890.

[SEAL.] ANDREW OTTERSON, Jr.,
Notary Public.

353.

STATE OF MISSOURI, *County of Greene, ss:*

On this 7th day of April, 1890, before me personally appeared Albert Demuth, who being duly sworn, says: That he purchased a lot of 60½ feet frontage on Boonville street, between Brower and Center streets, and nearly opposite the present site selected by Supervising Architect Windrim, for $6,250. That said purchase was made March 15, 1888; that said premises have a small house thereon, upon which he has been unable to get an insurance of $300, and that when he purchased said lot he regarded the improvements as of no value, and this purchase was made thinking the Government building would go elsewhere.

ALBERT DEMUTH.

Sworn to and subscribed before me this 7th day of April, 1890.

[SEAL.] A. W. LINCOLN,
Probate Judge within and for Greene County, Mo.

262—R.

WASHINGTON, D. C., *October* 18, 1889.

Hon. J. H. WINDRIM, *Washington, D. C.:*

SIR: The inclosed statement is to show the amount of capital invested now, and the amount of business done during the past year in each quarter of the business portion Old Springfield Mo., lying south of the Kansas City and Memphis Railroad. All the facts are taken from the list of business houses, exclusive of banks and wholesale merchants, furnished the Department prior to this date.

I. The northeast quarter comprises Boonville street, East Olive street, North Jefferson street, and that portion of the public square between Boonville and College streets. The amount of capital in this territory is $1,640,100. The amount of business done there in the past year is $4,211,000.

II. The northwest quarter comprises College street, West Olive street, North Campbell street, and that part of the public square between Boonville and College streets, including the Baker Block Arcade. The amount of capital in this territory is $1,104,700. The amount of business done there in the past year is $2,921,900.

III. The southwest quarter comprises South street, West Walnut street, South Campbell street, and that portion of the public square between College and South streets, including the Kinney Arcade. The amount of capital in this territory is $514,900. The amount of business done there in the past year is $1,668,900.

IV. The southeast quarter comprises St. Louis street, East Walnut, and that part of the Public Square between St. Louis and South streets including the Post-office Arcade. The amount of capital in this territory is $383,000. The amount of business done there in the past year is $948,000.

V. Adding the capital of the northeast and southeast quarters the result for the capital in the east half is $2,023,100, including Water street. By the same process the capital in the west half is $1,619,600. By the same process the capital in the north half is $2,744,700. By the same process the capital in the south half is $897,900. This shows capital in east and north halves nearly equal. This shows capital in north and south halves in ratio nearly 1 to 3.

VI. Adding the amount of business as in V: The result for the annual business in the east half is $5,159,000; the result for the annual business in the west half is $4,490,800; the result for the annual business in the north half is $7,132,900; the result for the annual business in the south half is $2,516,900. Again, the business in the east and west halves are nearly equal, while the business in the north and south halves is in the ratio of 2 to 5.

VII. The capital of the banks in Springfield located north of St. Louis and College streets is thus: Central National Bank, $200,000; Greene County Bank, $100,000; Holland's, $100,000; First National Bank, $50,000; total, $450,000. The capital of banks south of St. Louis and College streets is as follows: Exchange Bank, $250,000; Commercial Bank, $50,000; Savings Bank, $25,000; total, $325,000. Ratio in favor of north side by 450 to 325. Ratio in the wholesale houses is equal north and south of College and St. Louis streets.

VIII. The above figures show that the center of business in old town alone is on Boonville street; now if to these figures the capital, business, and banks of the Commercial street center of business is taken into the account, the argument is still stronger for Boonville street. Again, no account has yet been taken of the manufacturing interests of Springfield. These are nearly all north of the Kansas City and Memphis Railroad or else just south of and adjacent to this line.

IX. The people of Springfield desire a central location, as indicated by votes at two public meetings convened to discuss the location, of our public building, and also as indicated by votes at our city elections, report of which has been furnished the Department.

X. Our wholesale merchants stand about as follows (expressed by shares of stock). Springfield Hdw. Co., $100,000; Headley Groc. Co., $50,000; M. H. Shoe Co., $100,000; Q. C. Furniture Co., $50,000; Sp. S. C. Co., $200,000; ½ Sp. G. Co., $50,000. Total for central location, $550,000. Against central location, G. D. Milligan, $100,000; R. Hdw. Co., $100,000; K. R. Dry Goods Co., $150,000; ½ Sp. Gro. Co., $50,000; S. H. Horine, $50,000. Total against, $450,000.

XI. Our banks stand as follows: For a central location: Exchange Bank, O'Day Robberson L. Holland, Exchange Bank, $150,000; First National Bank, R. J. & R. S. McElhany, $50,000; Commercial Bank, J. S. Ambrose, $7,000; Greene County Bank, Heffermon, Riley & Grabill, $25,000; Central National Bank, Parce, Burlingame and Others, $20,000; Springfield Savings Bank, Rogers E. T. Robberson, $20,000; Bank of Springfield, $100,000. Total for central location, $372,000.

Against a central location, as follows: Exchange Bank, $100,000; Holland & Son, $100,000; Commercial Bank, $43,000; Greene County Bank, $75,000; Central National Bank, $180,000; Springfield Savings Bank, $5,000. Total, $503,000.

XII. In regard to the political aspect of the location: It is believed by many good Republicans not otherwise biased, that the Fister site was recommended by a Democratic commissioner at the instance of a Democratic Senator to a Democratic administration, where it would be most agreeable to the greatest number of good Springfield Democrats. It is a fact that both sides of St. Louis street from the Public Square east to Benton avenue is owned in the main by General Holland and the Phelps heirs. Jefferson street north of St. Louis is owned on the west side by the Hollands and Hardings to a large extent.

[Diagram showing the distribution of capital and annual business in old towns omitted.]

The southeast corner of the Public Square and Arcade is largely owned by G. D. Milligan, J. C. Cravens, and the Sheppards, and all of these parties are Democrats. Even what Messrs. Woolley and Peale have there was originally owned by Messrs. Phelps and Holland. And the fact that the only Republicans owning a large frontage on South Jefferson street, east side, are the Knotts, related to Mr. Wade by marriage, it seems inevitable that these acts of a former administration if confirmed by this administration would be interpreted in a way injurious to the party in power.

Respectfully submitted by

PAUL ROULET.

DISTRICT OF COLUMBIA, *to wit:*

Before me, Harry M. Earle, a notary public for the District aforesaid, personally appeared Paul Roulet, and who, by me being duly sworn, says that the statements herein set forth are true and correct to the best of his knowledge and belief.

Sworn to and subscribed before me this 22d day of October, A. D. 1889.

[SEAL.] HARRY M. EARLE,
Notary Public

177—R.

SPRINGFIELD MO., *April* 17, 1889.

The SECRETARY OF THE TREASURY,
Washington, D. C.:

SIR: I inclose herewith three small maps of Springfield, Mo., on which I have noted a few facts to which I ask your attention, because of their bearing upon the right location of our Government building.

(1) The business centers will always remain as now, on Commercial street, and on the square and arcades.

(2) The Commercial-street center of business and the square will grow towards each other, and all proper efforts should tend in that direction, in the interest of the whole city.

(3) The Commercial-street center will increase more in the future than in the past, because it is the center of more population, as shown by our votes, and because of greater employment of labor than about the square.

(4) The location of churches and schools, and various industries, all point to Center and Boonville streets as about the actual center of the city.

(5) The growth of the city, as shown by the additions made since 1836, has been uniformly northward and not southward, and to a much greater extent since 1880, as shown on the map, and greatest since the two towns were consolidated. The ratio during the past year, as computed from the "Supplement map of Springfield" prepared by me, and ready to be published, shows 855 acres platted north of Center street and 260 acres south of Center street, and of this latter amount more than one-half is north of College and St. Louis streets.

(6) When the two towns were consolidated, both sides conceded that all public buildings should be located between the two towns, and the consolidation was effected on that issue by an almost unanimous vote.

(7) The location selected by Mr. Fister, on the corner of Jefferson street and St. Louis street, fails to take any of the above facts into account, and should the Government building be erected on that site, it will increase the old feud which has been so detrimental to the welfare of Springfield.

(8) Even if all of Springfield north of Division street be considered a waste, with the cemetery and race course grounds located there, and standing in the way of any advance of the city in that direction, as they do now south of Grand street, then Mr. Fister's location is one sided, because the southeast quarter of Old Springfield has the fewest business houses located there, and is thus more remote from the business interests of the city.

(9) There is a further consideration which I have frankly alluded to in my letter of March 7, 1889, to Hon. W. H. Wade, our Congressman, and that is that the selection of Mr. Fister, being in the pecuniary interest of Mr. Wade's wife's relations, should it be adopted over the protest which I understand he is making, to say the least it will very seriously endanger the outlook for the Republican party in this district, because an injustice always helps the party out of power, and bursts the party in power. Mr. Wade has been a strong man in the party, and he will be held responsible to many of his constituents for this location unless the desire of the majority is heeded.

In view of these facts we ask in the interest of justice that the matter be investigated, and that all further action in the building site be postponed until the wishes of the majority here may be heard.

Very respectfully, yours,

PAUL ROULET.

P. S.—In my estimate of additions in No. 5 I omitted in my calculation Minard & Young's Additions, covering 160 acres in the southwest part of the city, this was not in the supplement. I gladly make the correction.

P. ROULET.

During my testimony, April 11, Senator Vest requested that my traveling expense voucher to and from Springfield, Mo., be furnished to this committee.

This is the voucher. It is dated October 10, 1889, and I offer it with the papers thereto attached, with the request that the same be printed in the report of these proceedings.

I desire to call attention to letter dated October 5, 1889, attached to the voucher, addressed to J. R. Wood, general passenger agent of the Pennsylvania Railroad Company, Philadelphia, Pa., explaining that a portion of the ticket which I bought, and a portion of the ticket which Mr. Dapray bought from Philadelphia to Springfield, Mo., and for each of which was paid $29.85, were not used, stating that under the regulations of the Department no allowance can be made for railroad travel unless payment for passage shall have been made for the actual distance traveled, and it would seem proper in view of the circumstances that the company should make proper allowance for the portions of said tickets which covered the distance between St. Louis and Springfield, Mo., and which were not used, as I and Mr. Dapray traveled that distance in a private car, and requesting that as the traveling expense account could not be properly prepared until it should have been ascertained what amount of the cost of the tickets was for the distance between Philadelphia, Pa., and St. Louis, Mo., and what amount was for the distance between St. Louis and Springfield, that he give the matter his early attention.

In reply to that letter Mr. Wood forwarded a check or draft, I have forgotten which, for $14.20, which divided by two shows an allowance of $7.10 on the ticket purchased by me for the portion of the ticket which I did not use, for the reason stated.

This explains the change in my voucher of $22.75 for railroad fare from Philadelphia to St. Louis.

I want it distinctly understood here that at the time I purchased my ticket at the railroad depot in Philadelphia I paid $29.85 for it, and it covered the entire distance from Philadelphia, Pa., to Springfield, Mo., via St. Louis, Mo., and that at that time I fully expected to travel the whole distance from Philadelphia to Springfield on that ticket, and I did not then have the least expectation that any invitation would be extended to me to travel from St. Louis to Springfield in a private car, and that when I accepted said invitation I did so as one gentleman would accept a courteous and polite invitation from another, which was extended for no other reason than that of promoting comfort in travel, and that any efforts to show to the contrary of what I have stated must distinctly be understood as an effort to pervert the facts and truth in the premises.

In this connection I wish to call attention to the statements made in that printed paper of Messrs. Woolley, Fearn, and Minard, dated October 17, 1889.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., October 5, 1889.

Mr. J. R. WOOD,
General Passenger Agent, Pennsylvania Railroad Company, Philadelphia, Pa.:

SIR: On the 27th ultimo, while making a trip on public business, I purchased a railroad ticket from your office from Philadelphia, Pa., to Springfield, Mo., for $29.85. Upon my arrival in St. Louis, I found that arrangements had been made for my passage from St. Louis to Springfield on a private car, by Hon. R. C. Kerens and Mr. B. F. Hobart, of St. Louis, which prevented the use of the ticket referred to.

Mr. St. Julien B. Dapray chief of the law and contract division, also purchased a similar ticket under the same circumstances.

Under the regulations of the Department no allowance can be made for railroad travel unless payment of passage shall have been made for the actual distance traveled, and it would seem proper in view of the circumstances above explained, that the company should make proper allowance for tickets not used, herewith inclosed, and above specified, and refund the amount.

As the traveling expense accounts can not be properly prepared until after it shall have been ascertained what amount of the cost of the tickets, viz, $29.85 each, is for

the distance between Philadelphia and St. Louis, and what amount of said cost is for the distance between St. Louis and Springfield, I have to request you to give the matter your earliest attention.

Respectfully, yours,

JAS. H. WINDRIM,
Supervising Architect.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 29, 1890.

The FIRST COMPTROLLER,
Treasury Department:

SIR: Referring to your letter of the 28th instant, advising me of the adjustment of my account of disbursements for the Supervising Architect's Office during the month of October, 1889, and of the suspension of $1 in voucher No. 19, J. H. Windrim for information, I inclose herewith a letter from Mr. Windrim explaining the necessity for sending the telegram and embracing a copy of the same, and I respectfully request that the suspension be removed and the amount allowed in my account for the month above mentioned.

Respectfully, yours,

GEO. A. BARTLETT,
Disbursing Clerk.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., January 29, 1890.

Mr. GEORGE A. BARTLETT,
Disbursing Clerk, Treasury Department:

DEAR SIR: In reply to your inquiry of this morning, I have to state that the item of $1 for a telegram sent from the train, in my expense account in traveling to Springfield, Mo., on public business, was an item of expense necessarily incurred. The following is a copy:

PACIFIC, MO.

To the Postmaster at Springfield:

Please state through Tuesday morning's newspapers that the Supervising Architect will arrive in Springfield Tuesday morning for the purpose of examining the matter of the site for the public building.

JAMES H. WINDRIM.

The telegram was an important one and was handed to the porter with $1, to have it sent immediately, and he sent it from a station while the train made a brief stoppage en route to Springfield.

Respectfully, yours,

JAS. H. WINDRIM,
Supervising Architect.

VOUCHER FOR TRAVELING EXPENSES.

[Appropriation, court-house and post-office, Springfield, Mo.]

The United States to Jas. H. Windrim, Dr.

September 26 to October 5, 1889. For expenses incurred for transportation of self and baggage in traveling from Washington, D. C., to Springfield, Mo., and return, per annexed statement and vouchers $79.19

Jas. H. Windrim, being duly sworn, deposes and says that the forgoing account for actual necessary expenses is just and true in all respects; that the services stated have been actually rendered, under the order hereto annexed; that the expenses as charged were actually incurred and paid at the dates specified; that the distances as charged have been actually and necessarily traveled; and that no part of the travel has been under any free pass on any railway, steam-boat, or other conveyance.

JAS. H. WINDRIM.

Sworn and subscribed before me this 10th day of October, A. D. 1889.

M. C. HOOKER,
Notary Public.

I certify that the services mentioned in the above account have been performed; that they were necessary and proper; and that the prices paid were just and reasonable.

JAS. H. WINDRIM,
Supervising Architect.

Approved.

GEO. S. BATCHELLER,
Acting Secretary.

Received at Washington, D. C., this 10th day of October, 1889, from Geo. A. Bartlett, disbursing clerk, the sum of $79.19, in full payment of the above account.

JAS. H. WINDRIM.

$79.19

Itemized statement of actual and necessary expenses.

Sept. 26.	Railroad fare, Washington to Philadelphia, commutation rates	$2.72
Sept. 27.	Railroad fare, Philadelphia to St. Louis, Mo	22.75
Sept. 27.	Sleeper fare, from Philadelphia to St. Louis, Mo	6.00
Sept. 28.	Breakfast 75 cents, dinner 75 cents, supper 75 cents	2.25
Sept. 29.	Transfer of self 25 cents, baggage 50 cents	75
Sept. 30.	Hotel bill, St. Louis (bill attached)	8.00
Sept. 30.	Transfer from hotel to depot, St. Louis, Mo	25
Sept. 30.	Telegram to postmaster, Springfield, Mo.,* no copy taken	1.00
Oct. 2.	Railroad fare, St. Louis to Philadelphia, Pa	22.00
Oct. 2.	Sleeper fare, St. Louis to Philadelphia, Pa	6.00
Oct. 2.	Dinner 75 cents, supper 75 cents	1.50
Oct. 3.	Breakfast $1, dinner $1 (on cars)	2.00
Oct. 3.	Baggage	25
Oct. 5.	Railroad fare, Philadelphia to Washington, commutation rates	2.72
Oct. 5.	Parlor-car chair	75
	Affidavit	25
		79.19

ST. LOUIS, *September* 30, 1889.

Mr. J. H. Windrim, Dr. to the Southern Hotel Company.

1½ days $3.00

Paid September 30, 1889.

M. A. LEWIS,
Cashier.

CIRCULAR.—ALLOWANCES FOR TRAVELING EXPENSES.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 3, 1887.

The attention of the officers and employés of this Department is again called to the following provisions of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, one thousand eight hundred and seventy-five, and for other purposes," approved June 16, 1874:

* * * "*Provided*, That only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, and all allowances for mileage and transportation in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payments or allowances in violation of this provision." * * *

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* Suspended for number of words.

In accordance with the foregoing provisions, persons traveling upon the official business of this Department will hereafter be allowed their "actual traveling expenses" usual and essential to the ordinary comfort of travelers embraced in the following items of expenditures:

I. Actual fares on railroads, steam-boats, and other conveyances, by the shortest practicable route, the hire of special transportation where there are no regular means of conveyance, street-car, or omnibus, or transfer-coach fare to and from depots and hotels, and where there are no such conveyances, moderate and necessary hack-hire, and reasonable fees to porters and expressmen.

II. * Sleeping-car fare for one double berth for each person, or customary state-room accommodation on steam-boats and other vessels, one seat in parlor-car (only where the train is made up entirely of parlor-cars), and lodgings and actual board in hotels at a rate not greater than five dollars per day. Hotel bills and receipts will be taken in all cases where it is practicable to obtain them, and accompany the account as a voucher. No charge will be allowed for hotel bills when the detention is unnecessary for the performance of the duties for which travel is required.

III. Accounts will be rendered upon a form approved by the Department, which shall be accompanied by expense vouchers, itemized as far as possible. A copy of the order under which the expenses were incurred must also accompany the account.

Each account must be sworn to by the person rendering it as just and true in all respects, and must state that the services specified therein were actually performed; that the expenses charged were actually and necessarily incurred and paid at the dates specified; that the distances charged were actually and necessarily traveled, and that no part of the travel was under a free pass on any railway, steam-boat, or other conveyance.

The chief officer of the bureau or branch of service for which the services mentioned in the order of the Department accompanying the account were performed must certify that such services were performed, that they were necessary and proper, and that the prices paid for travel, etc., were reasonable.

C. S. FAIRCHILD,
Secretary.

* NOTE.—This paragraph was amended by Department Circular No. 46, dated April 24, 1888, as follows: "No allowance for seats in parlor-cars or limited express-trains will be made unless the interests of the service require travel on such trains, and in every case the reason must be clearly shown."

In reading over the printed report of the proceedings before this committee March 28, 1890, I observed the fact that it was ruled by the committee that they did not think that under the Senate resolution, upon which this investigation is based, that they are to go into the question as to which of the two sites, the St. Louis and Jefferson streets or the Brower and Boonville streets property, is the best, but that any matter which would tend to show the controlling influence with the Government officials who selected the properties would be competent evidence.

In this connection I may be permitted to invite attention to the provisions of act of Congress, approved March 29, 1888, volume 25, page 46, Statutes at Large; and act of Congress, approved October 2, 1888, volume 25, page 507, Statutes at Large, which authorized the selection of the site and the erection of the building in Springfield, and to the provisions of act of Congress, approved June 23, 1874, a supplement to the United States Revised Statutes, page 112, which unmistakably establish the fact that the authority for the selection of a site for the building, the authority for the exclusive exercise of discretion in the selection of the site and the authority and duty "to set aside any selection which in his (the Secretary of the Treasury's) opinion has not been made solely with reference to the interests and convenience of the public, as well as the best interests of the Government," is vested by law in the Secretary of the Treasury.

As an indication of the influences with the Government officials in

their action in the premises, having duly regarded the provisions of the law relative to the interest and convenience of the Government as well as of the public, I offer in evidence the following papers, which are only a few of a great many which have been received from men of prominent standing and legally organized corporate bodies *et al.*, in the city of Springfield.

This paper is the resolution adopted by the presiding justice and associate justices of the county court. It is numbered 71–R, and I offer it in evidence.

This paper contains the resolutions adopted by the citizens' mass meeting, held in the court-house in the south side of Springfield, January 10, 1889. It is numbered 44—R, and I offer it in evidence.

This paper contains the resolutions of a citizens' mass meeting; it is numbered 45—R, and I offer it in evidence.

This paper contains the resolutions adopted by the city council of Springfield, January 22, 1889; it is numbered 57—R, and I offer it in evidence.

This paper is a petition from 1,885 tax-payers of Springfield. It is an important paper, as it voices the views and findings of property owners; it is dated February 18, 1889, and I offer it in evidence.

This paper is a petition signed by all of the officers and members of the merchants' exchange; it is dated April 18, 1889. It is a very important paper, in so far as the views of men whose positions and objects are for the promotion of the welfare and convenience of the city of Springfield; it is numbered 152—A–R, and I offer it in evidence.

This is a petition the same as signed by 1,885 tax-payers (No. 59—R) and it contains some small maps showing the various properties, the growth of the city, population, etc.; it is numbered 180—R., and I offer it in evidence.

This paper is a petition numerously signed, dated August 8, 1889; it is numbered 201—R, and I offer it in evidence.

There are a great many similar papers which have been received at different times pending the consideration and final determination of the matter of selecting a site for the Springfield building.

71—R.

SPRINGFIELD, MO., *February* 22, 1889.

Whereas the location of the Government building in our city has caused a decided dissatisfaction among the people, and fully believing that in order to produce harmony and good feeling among the people, it is hereby resolved by two of the justices of the county court, that the location of the Government building on Center street would be acceptable to a large majority of our citizens.

M. BOWEMAN,
Presiding Justice.
O. B. SMITH,
Assistant Justice.

44—R.

AT THE COURT-HOUSE, SPRINGFIELD, MO.,
Thursday evening, January 10.

Pursuant to public announcement the court-house was crowded with citizens to consider the location of the Government building.

Meeting was called to order by General John B. Waddill, and ex-mayor J. S. Atkinson was made chairman, who stated the object of the meeting, which was to protest

against the location of the Government building on the corner of St. Louis and Jefferson streets.

Charles H. Goffe was elected secretary of the meeting.

The following resolutions were read by the secretary and carried by an almost unanimous vote:

Mr. Sperry moved that a committee of ten be appointed by the chair whose duty it shall be to arrive at the sentiment of the people as to the most desirable location for the public building in Springfield, and that they make a report to the Department in such form and method as they may deem best. Carried.

The chair appointed as said committee D. E. Davis, C. H. Heer, S. W. McLaughlin, Chas. Gottfried, Chas. H. Goffe, C. B. Sperry, D. B. Haeberle, F. J. Underwood, G. A. Ramsey, and C. J. McMaster.

On motion it was voted and carried that General John B. Waddill and J. F. G. Bentley be constituted a committee to visit Washington and present a copy of the resolutions of this meeting to the Treasury Department, and by the unanimous vote of the meeting the following dispatch was wired to Washington:

SPRINGFIELD, MO., *January* 10, 1889.

To the Hon. SECRETARY OF THE TREASURY,
Washington, D. C.:

We, the citizens of Springfield, in mass meeting assembled, do earnestly request that you suspend proceedings in the matter of the Government building until an unbiased statement of facts can be laid before you by a committee appointed by this convention

J. S. ATKINSON,
Chairman.
CHAS. H. GOFFE,
Secretary.

On motion the meeting adjourned.

CHAS. H. GOFFE,
Secretary.

45—R.

[Special to The Leader.]

WASHINGTON, *January* 9.

The Secretary of the Treasury has just approved my report of lot on the southwest corner of St. Louis and Jefferson streets for site of the public building, at the price of $1.

THOS. D. FISTER.

Whereas the foregoing dispatch appeared in the Springfield Daily Leader of the 9th instant, and purports to convey to the people of this city positive information as to the location of the United States Government building; and

Whereas we, the people of the city of Springfield, representing all parts of the city, believing that the proposed location would prove a great and serious inconvenience and growing wrong to a large majority of the business men, and to more than three-fourths of the voters and inhabitants of the city, have assembled together to remonstrate against said location, and we do hereby remonstrate against the same for the following among other reasons:

First. Said reported location is neither near the center of business nor the center of population. There are nearly or quite three hundred and fifty business buildings north of said reported location and less than one hundred and forty south of it. More than three-fourths of the population of the city live north of it and less than one-fourth south of it.

Second. It is not a location in or near the center of business or population, and such location will not become central by the future growth of the city. There is no business east or south from that point, and it is a notorious fact the growth of the city is rapidly extending northward, carrying business fully 2 miles from St. Louis street.

Third. It is not a location that is convenient to reach from the main depots of the two great lines of railroad that pass through the city, neither is it a convenient point to be reached with the mails that are brought in on our railroads.

Fourth. Because the proposed location tends to create dissensions and antagonism among our citizens, which a central location between the two lines of railroad and between the recognized two business centers of the city—the one around and in the vicinity of the public square and the other along and in the vicinity of Commercial street—would avoid.

Fifth. Because a location on any other than Boonville street, or in its immediate vicinity, will neither be convenient for the proper transaction of Government business or satisfactory to the great body of the people of Springfield: Therefore,

Resolved, That said building should be located on the corner of Boonville street and Center street.

57—R.

Whereas we have learned that the special agent of the Treasury Department has selected as the site for the public building to be erected in this city the southwest corner of St. Louis and Jefferson streets:

Be it resolved by the city council of the city of Springfield, (1) That we do not believe said selection is made in the best interest of our people; that it is neither central nor convenient for a large majority of our citizens.

(2) That we respectfully and earnestly request the honorable Secretary of the Treasury to disapprove said selection and locate the building on Boonville street, not farther south than Pine nor farther north than Center street.

(3) That we believe such a selection will harmonize all interests, will end all strife between sections, and redound to the general prosperity of the city as a whole.

Approved, January 22, 1889.

RALPH WALKER,
Mayor.

Attest:

J. T. RICE,
City Clerk.

I hereby certify that the above and foregoing resolution was duly passed by the city council of the city of Springfield, Mo., at a meeting of said mayor and council on this day.

Witness my hand and the official seal of said city this 22d day of January, 1889.

[SEAL.] J. T. RICE,
City Clerk.

59—R.

Petition of 1,685 *tax-payers.*

To the SECRETARY OF THE TREASURY,
Washington, D. C.:

DEAR SIR: We beg to present you with the accompanying reasons, statistics, and map of this city for your use in determining a proper site for our public building. A considerable majority of our citizens have reason to believe that their claims did not receive that consideration to which they are entitled at the hands of Mr. Fister while here. All his expressions, with one exception, movements, and associations were such that parties since his departure have been buying and taking options on real estate located very near the public square, where it would be manifestly unjust and decidedly unsatisfactory to at least three-fifths of the tax-paying voters of this city to locate said building.

We further beg you to let us submit the question of location near the square, or either on Center street or Boonville street near Center, to the qualified voters of this city. This will give unmistakable expression to you as to where the people, not politicians, want this building located, and the verdict thus obtained, whatever it may be, will be accepted in good faith by nine-tenths of the people of this city.

To the Secretary of the Treasury of the United States and the Supervising Architect:

GENTLEMEN: We, the undersiged tax-payers of the city of Springfield, Greene County, Mo., most respectfully petition that the public building to be erected in our city by the Government of the United States may be located on Center street, between Jefferson and Boonville streets, or on Boonville near Center street, for the following reasons, to wit:

(1) It is more nearly a central location than any other proposed site.

(2) Such location would best serve the interests of all the people of our city and county.

(3) When the two cities were consolidated in the spring of 1887 it was agreed by

committees of both municipalities, for the purpose of effecting such consolidation, all public buildings should be located on Center street.
) The city for the last ten years has been growing most rapidly to the north, and enter of population is now north of Center street.
) The four north wards of the city cast nearly 500 votes more than the four south ls in the last election, as shown by the following vote:

Wards.	Votes, April, 1887.	Votes, April, 1888.	Votes, Nov., 1888.
.....	271	280	369
.....	369	398	586
.....	394	366	538
.....	367	352	518
.....	429	554	740
.....	390	451	637
.....	308	328	521
.....	283	401	592

aking at the last election 2,011 votes cast in the four south wards and 2,490 votes in the four north wards; showing, also, an increase in the four south wards of votes over the vote of April, 1887, as against an increase of 1,080 votes in the four h wards over the vote of April, 1887.
) Such site lies between the the two main trunk lines of railway, the Gulf on outh and the Frisco on the north, and five-sixths of the mails coming into our and leaving therefrom come in and go out on the Frisco.
) Such location would be of more service to the people because of the street way facilities—east on Jefferson, west on Boonville and the new line now to be tructed on Center.
) The only good east approach to our city is on Center; west, on Nichols, just block north of Center, and the north and south approach along Boonville. Also it is only 8 miles to the south limits of the county and 15 miles to the north ts of the county.
) The city headquarters and offices are on Boonville, about 100 feet south of Cen- placed there by the unanimous vote of the city council.
0) There located it would become an ornament to our city because of its imposing , and a desirable, healthy place for court and office purposes.
1) Two-thirds of the manufacturing is done and three-fifths of the laboring men employed north of Center street, while there are at least 1,000 more people north enter in our city than south of it.
2) There situated, it will more justly divide its commercial value between the business centers of our city, to wit, Commercial street on the north and the ic square on the south, and offers economy and convenience both to the Govern- t and the people of Springfield as to its post-office and court facilities.
3) If the honorable gentlemen herein addressed are not satisfied that this petition esents the wish of the majority of the people of our city, we respectfully ask that s may be submitted to a vote of the tax-payers.
[ere follows 1885 signatures.]

151—R.

SPRINGFIELD, MO., *April* 18, 1889.

. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.:

R: We, the undersigned members of the Merchants' Exchange of Springfield, Mo., ng an earnest desire for the present and future welfare of the city, respectfully your attention to the following facts, and present some of the many reasons that it be urged why the United States Government building to be erected in this city ld have a more central location than the site reported on the corner of Saint Louis Jefferson streets.
ntil the spring of 1887 the territory embraced within the present city limits was distinct cities, with separate city government. Springfield was laid out in 1833, contained 50 acres surrounding the public square, and was part of the W. ½ NW. sec. 24, as shown on the map hereto attached.
the year 1870 the Frisco railroad was built into this territory, and because of failure of Springfield to aid the enterprise, the railroad was located and built

through the south part of sections 10, 11, and 12 (see map), and the main repair shops located and built on the N. ½ of SE. ¼ sec. 12, and last year something over $200,000 was expended by the company enlarging and improving them.

The passenger depot, with company offices above, was built on Benton avenue at its crossing of the main line of the railroad on the NE. ¼ of SW. ¼ of sec. 12. The freight depot was built on Boonville street at its crossing of the main line on the NW. ¼ of SW. ¼, sec. 12.

About eighteen months ago the belt line of railroad was built by the Frisco company and a sub-depot located on Phelps avenue for freight and passenger trains to Bolivar and Chadwick, but all passenger business of the main line of the 'Frisco is done at the Benton avenue depot, and all the mails for the city on its lines are handled there, which includes about five-sixths of the mails coming into the city from all directions.

The location and building of the Frisco railroad caused to be established the town of North Springfield, with south line on Division street, the same being the south line of sections 11 and 12, which rapidly grew into an active business center, and soon became a city, with a mayor and council.

There naturally grew up between the two towns a strong feeling of rivalry, as up to 1885 all the railroad business in the city was over the Frisco, and much bitterness of feeling existed, which greatly disturbed the harmony and business interests of the two cities, and very much retarded the prosperity of each.

For the purpose of avoiding a continuance of this unpleasant condition of things among a people whose interests were so nearly identical, a plan was proposed to consolidate the two cities into one, and early in 1887 negotiations were finally completed. These negotiations were largely aided by statements and promises on the part of many leading citizens of Springfield that in future all public buildings erected in the city should be located on Center street, and in the evening of the day of election, when the vote on consolidation was taken and carried by a large majority, several thousands of the people of the former two cities met on Center street, and with bonfires and addresses celebrated an event that all believed would strongly tend to promote harmony, good will, and prosperity.

In partial fulfillment of this general agreement and common understanding, the city council in 1888 by unanimous vote entered into a contract with one J. M. Kirby for the lease of rooms for city offices for a term of five years, in a building to be by him erected on his premises, being a lot on the east side of Boonville street, 100 feet south of Center street; and in December, 1888, the city took possession of the rooms so provided, and now occupies the same for city offices, and has no other place for the transaction of city business, the purpose being to secure a lot and erect a commodious city building on Center street and have it ready for use at the expiration of the above-mentioned lease.

So general has been the understanding that all public buildings were to be placed on Center street that private parties have caused to be erected opposite the present city offices on Boonville street a large and costly opera-house, that for appearance, appointments, and convenience, ranks among the best in the State.

The growth of the city southward is greatly retarded by the fact that in that direction are located six cemeteries, all, in fact that are used by the people of the city, and one of them (Maple Park Cemetery), covering 30 acres, joins the city on the south, and lays directly at the end of the main street leading south from the public square, and is less than 1 mile from it; that cemetery is in constant use for burial purposes, has many bodies and costly monuments, and will not be disturbed as a burial place.

The Fair Grounds embrace 80 acres, and are located on the S. ½ SE. ¼ sec. 24 (see map), and the lease for that purpose extends to 1896.

The Infirmary farm is located on the E. ½ SW. ¼ of sec. 19, and will not soon be changed.

The lands surrounding the city on the east, north, and west are high and rolling, presenting many attractions for residences, with no obstructions to a continuous growth of the city for any distance desired. Immediately north of the city are a number of parks of from 10 to 80 acres, with attractive features in the shape of immense caves, lakes, groves, and springs of pure sparkling water, and the tendency of growth in the city is northward toward these attractions rather than southward.

Commercial street, which extends for more than 2 miles along the south side of the Frisco Railroad, was the business street of North Springfield and is now an active center of trade with not a business room on it unoccupied—it has many substantial brick business blocks. Five brick and as many more frame hotels, two large flouring mills, two handsome banking houses, a commodious opera house, and many small stores, all occupying a full mile of the street, besides numerous stores and business places scattered among the residences as corner-groceries, many of them north of the Frisco track, where there are also located two large brick school-houses, and so important has the north part of the city become that the county court, whose duty it is to provide a place for holding the United States district court until the new

United States Government building is erected and rooms therein provided, has contracted for rooms for the United States court on Commercial street, and the May term will be held therein, and the room will be so used until the new United States Government building is ready for court purposes.

The main street, on which business is located, leading from Commercial street to the public square, is Boonville street, which will naturally and very properly become the business street connecting the two business centers of the city, and the location of the United States public building on or near this street will accommodate the largest number of the citizens and business men in the city now and for many years to come, or until a new and larger building will be required, and then the location will not be likely to go south of Center street, but will in all probability move north, nearly, if not quite, to Commercial street.

The feeling of unity and harmony that had been growing among the people since consolidation of the two cities has been most rudely disturbed by the reported location of the United States Court building on the corner of St. Louis and Jefferson streets, for the reason that the site reported on as approved is almost entirely outside of all business parts of the city and very far from the center of the city either in territory or population, and in the least progressive portion of the city, as is abundantly shown by the votes cast at the several elections for the past two years.

There is probably not $1,000 invested in business on St. Louis street east of Jefferson, and less on St. Louis street between the square and the site chosen (about 500 feet) than on any other street leading from the square; in fact there are large spaces on St. Louis street between the public square and the site reported, that are entirely vacant, other parts are covered with old dilapidated junk shops, and that space is on the original fifty acres first occupied by the city. There has not been enterprise enough there to cover more than one-half the 500 feet with fairly respectable business rooms, and the site reported has for a long time been occupied by a large billboard, and the same is true of the opposite corner on the north side of the street, while a rough blacksmith shop occupies the northeast corner and an old corn-mill the other directly east, and no business is done on Jefferson street south of St. Louis street.

It will be seen by the map that the site reported is entirely outside the section of the city embraced between the two great lines of railroads that pass through it, the Frisco and the Gulf roads, and every impartial man who visits the city will see at a glance that between these lines of railroads is the business center of the city now, and will continue to be certainly for a great many years, and that here the United States Government building should be placed; and we do not hesitate to say that it is our deliberate judgment and firm conviction, knowing as we do all the facts and circumstances surrounding the question, that great and irreparable injury will be done to the city and its business interests if the public building referred to should be placed on St. Louis and Jefferson streets or anywhere but on Center street, where the people expected it to be placed for their use and accommodation.

The city is badly in need of sewers, as none were provided by the older part of the city before consolidation, and now that the north section of the city has the voting powers in its own hands and does not need sewers as badly as the south part, the people will not vote to tax themselves to help out the older section of the city unless faith is kept in the matter of locating the public buildings, and thus strife and contention will continue and enter into every question that comes up relating to city business, and great injury will be done.

This proposed building is to be paid for with the people's money, and it should be placed where it will be for their best accommodation and where the public business can best be done, and that location is near the center of population and the center of business.

We therefore appeal to you in the name of the whole people of this city and vicinity who will transact business at this public building, in the name of common fairness, justice and equity, for the sake of the harmony and unity and good-will that ought to prevail here among the citizens, for the sake of their present and future welfare to select a site for the public building on Center street, near Boonville street, and we will ever subscribe ourselves your greatly obliged fellow citizens and most humble servants.

[Here follow sixty-four signatures.]

180—R.

The Secretary of the Treasury of the United States and the Supervising Architect:

GENTLEMEN: We, the undersigned tax-payers of the city of Springfield, Greene County, Mo., most respectfully petition that the public building to be erected in our city by the Government of the United States may be located on Center street, between Jefferson and Boonville streets, or on Boonville near Center street, for the following reasons, to wit:

(1) It is more nearly a central location than any other proposed site.

(2) Such location would best serve the interests of all the people of our city and county.

(3) When the two cities were consolidated in the spring of 1887, it was agreed by the committees of both municipalities, for the purpose of effecting such consolidation, that all public buildings should be located on Center street.

(4) The city for the last ten years has been growing most rapidly to the north, and the center of population is now north of Center street.

(5) The four northwards of the city cast nearly 500 votes more than the four south wards in the last election, as shown by the following vote:

Wards.	Votes April, 1887.	Votes April, 1888.	Votes Nov., 1886.
1	271	280	340
2	369	398	586
3	394	366	538
4	367	352	518
5	429	554	748
6	390	451	637
7	308	328	521
8	283	401	592

Making at the last election 2011 votes cast in the four south wards and 2490 votes cast in the four north wards. Showing also an increase in the four south wards of 610 votes over the vote of April, 1887, as against an increase of 1,080 votes in the four north wards over the vote of April, 1887.

(6) Such site lies between the two main trunk lines of railway, the Gulf on the south and the Frisco on the north, and five-sixths of the mails coming into our city and leaving therefrom come in and go out on the Frisco.

(7) Such location would be of more service to the people because of the street railway facilities. East on Jefferson, west on Boonville, and the new line now to be constructed on Center.

(8) The only good east approach to our city is on Center; west, on Nichols, just one block north of Center, and the north and south approach along Boonville. Also that it is only 8 miles to the south limits of the county, and 15 miles to the north limits of the county.

(9) The city headquarters and offices are on Boonville, about 100 feet south of Center, placed there by the unanimous vote of the city council.

(10) There located it would become an ornament to our city because of its imposing view, and a desirable, healthy place for court and office purposes.

(11) Two-thirds of the manufacturing is done and three-fifths of the laboring men are employed north of Center street. While there are at the very least 1,000 more people north of Center in our city than south of it.

(12) There situated, it will more justly divide its commercial value between the two business centers of our city, to wit: Commercial street on the north and the public square on the south, and offers economy and convenience, both to the Government and the people of Springfield, as to its post-office and court facilities.

(13) If the honorable gentlemen herein addressed are not satisfied that this petition represents the wish of the majority of the people of our city, we respectfully ask that same may be submitted to a vote of the tax-payers of Springfield, Mo.

[Taken from the Springfield Herald, August 25, 1887.]

WHOLESALE DIRECTORY.

Hardware and implements.—Springfield Hardware Company, number of men employed, 24. Rogers & Baldwin Hardware Company, number of men employed, 20. J. E. Kelton & Co., number of men employed, 3. Parce & Burlingame, number of men employed, 6.

Dry goods.—Keet, Rountree & Co., number of men employed, 20.

Drugs.—Ross & Forsyth, number of men employed, 5. W. A. Hall & Son, number of men employed, 6.

Clothing.—Globe, number of men employed, 9.

Books.—Springfield Book and Paper Company, number of men employed, 6.

Pork packing.—Henry Ames & Co., number of men employed, 25.

Implements and buggies.—Springfield Implement and Buggy Company, number of men employed, 8.

Jewelry.—J. G. Willeke & Co., number of men employed, 5. S. H. Horine, number of men employed, 14.

Furniture.—Queen City Furniture Company, number of men employed, 14.

Groceries.—G. D. Milligan & Son, number of men employed, 25. Springfield Grocer Company, number of men employed, 20.

Harness and saddles.—M. Steineger, number of men employed, 6.

BANK DIRECTORY.

Bank of Springfield, B. F. Hobart, president; J. F. G. Bentley, vice-president; A. H. Rogers, cashier. Capital, $100,000; surplus, $6,000.

Central National Bank, J. W. Powers, president; J. M. Dolling, vice-president; E. P. Newman, cashier. Capital, $100,000; recently organized.

Greene County National Bank, E. T. Robberson, president; J. T. Keet, vice-president; J. D. Sheppard, cashier. Capital, $100,000; surplus, $50,000.

C. B. Holland & Sons, private bank. Capital, $50,000; surplus, $75,000.

First National Bank, R. J. McElhany, president; James R. Vaughan, vice-president; R. L. McElhany, cashier. Capital, $50,000; surplus, $15,000.

Commercial Bank, J. S. Ambrose, president; T. B. Townsend, vice-president; W. D. Sheppard, cashier; W. T. Bigbee, assistant cashier. Capital, $50,000; recently organized.

Exchange Bank, L. H. Murray, president; Lee Holland, cashier. Capital, $50,000; surplus, $5,000.

DIRECTORY OF MANUFACTURERS.

Tobacco.—Old Coon Tobacco Works, number of men employed, 60. W. G. Porter & Son, number of men employed, 15. G. W. Anthony, number of men employed, 12.

Wagons.—Springfield Wagon Company, number of men employed, 100.

Machine shops.—Frisco Machine Shops, number of men employed, 545. Gulf Machine Shops, number of men employed, 150. Perkins Water Works Manufactory, number of men employed, 232. Springfield Foundry and Machine Shops, number of men employed, 35.

Flouring mills.—Queen City Mills, number of men employed, 10. Eisenmeyer Milling Company, number of men employed, 16. Eagle Mills, number of men employed, 9. Anchor Mills, number of men employed, 8. Gulf Roller Mills, number of men employed, 8.

Coffee and spice mills.—Springfield Coffee and Spice Mills, number of men employed, 8.

Mattress and springs.—Springfield Mattress and Bed-Spring Company, number of men employed, 6.

Blank book-makers.—Springfield Printing Company, number of men employed, 30.

Beer.—Springfield Brewery, number of men employed, 10.

Planing mills.—Davis Planing Mill, number of men employed, 76. Springfield Planing Mill, number of men employed, 60.

Lime works.—Springfield White Lime Works, number of men employed, 35. P. Mugan, number of men employed, 10.

Soap factory.—Springfield Soap Factory, number of men employed, 20.

Cigars.—F. A. Heacker, number of men employed, 12. Conrad Preis, number of men employed, 3. H. R. Gehr, number of men employed, 5.

201—R.

SPRINGFIELD, MO., *August* 8, 1889.

Hon. WILLIAM WINDOM,
Secretary of Treasury, Washington, D. C.:

DEAR SIR: We, the undersigned Republicans, of the city of Springfield, respectfully represent to you, in reference to the location of the United States public building for this city, that the location selected by Colonel Fister, of the late Democratic administration, is so manifestly unjust and unfair and savors so strong of fraud and corruption, that it will be greatly to the interests of Republicanism in this county and Congressional district to have such site abandoned and a new site selected. It is the general belief here that the old Southern Confederacy, led by Senator Cockrell and Major Cravens, with the aid of a few other parties who were directly and financially interested, were instrumental in having the Fister site selected, and we confidently believed and expected that, with all the facts before you, a more central site would be selected, and we now make another request of you that you give the question mature consideration before deciding it. We believe that the failure to change the location may be the means of electing a Democratic Congressman from this district at the next election. The belief that Congressman Wade has used his influence in favor of the Fister site is so strong here that if the election were to be held to-morrow it would be doubtful if he could carry this county, when his majority should be 1,500, and although he may not have taken any part in the matter, his constituents can not be convinced of this fact.

At the present time he is the only probable candidate, but if the site is not changed it will be hardly possible for him to secure the nomination, and the ill-feeling engendered by a contest for the position of candidate on the Republican ticket will well-nigh insure the defeat at the polls of the successful candidate, whoever he may be. The people are in earnest in this matter. It was the mutual understanding of the two municipalities at the time of the consolidation that all public buildings should be located centrally, and any violation of this agreement will be resented by the people of the north part of the city and county, who by far outnumber the people of the south side and control the politics of the county. (The city census just taken gives the four north wards of the city 50 per cent. more population than the four south wards.) At the last election a Democratic member of the county court was elected for the eastern district of this county by a majority of about 350 over the Republican candidate, when the Republican candidate should have had about 500 majority, and this change was brought about simply because the Democrat was openly and publicly in favor of a central location for all public buildings and the Republican was not.

We express our firm convictions that about the same result may be expected in the next Congressional contest in this county unless the present administration abandons the Fister site, and we believe that we express in the above the sentiment of thousands of Republican voters in this county.

Leave the question to the voters of the city and we will show four-fifths of the population in favor of a change.

[Here follow fifty-two signatures.]

Mr. Chairman, and gentlemen of the committee, after reading the testimony heretofore given before your committee in this case, I desire to submit a statement giving a connected history of the case, of the facts, statements, etc., of record, upon which the Department based its actions.

The case with its considerable history and record can only be fully understood by being stated connectedly, in order that each fact may have its merited weight, and that the many facts involved may not, by being disconnectedly mentioned, become both confusing and perplexing.

The record of the case is as follows, and I respectfully request that each paper to which I refer and which I submit shall be incorporated in the printed report of the proceedings of this investigation, in the order in which they are presented, by numbers.

Act of Congress approved March 29, 1888, authorized the erection of the building with fire-proof vaults, and the purchase of a site in Springfield, Mo., and limited the cost of all at $100,000.

December 1, 1888, the Secretary of the Treasury authorized the publication of advertisements for proposals to be opened December 15, 1888, by the postmaster of Springfield, for the sale of property to the United States.

December 1, 1888, Supervising Architect Will A. Fréret advised the postmaster of Springfied of the fact; called his attention to the time when the proposals would be opened; advised him that an agent of the Department would visit Springfield for the purpose of inspecting the several properties offered, and requested him to hold all proposals that might be submitted until the arrival of the agent.

These are copies of the papers above referred to. They are numbered 17–S, and I offer them in evidence.

December 6, 1888, Supervising Architect Will A. Fréret advised Thomas D. Fister, assistant and chief clerk of his office, of the facts above stated, and directed him to proceed to Springfield, to cause the sealed proposals to be opened upon the day named in the advertisement, to make an inspection of the several properties offered, and upon his return to submit his report and recommendation in writing. This is a copy of the letter. It is marked 18–S, which I offer in evidence.

January 8, 1889, Mr. Fister submitted his report, stating his findings, inclosing the thirty-three proposals received in response to said public advertisements, and recommended the acceptance of proposal No. 13, of Messrs. Woolley, Porter & Hubbell, for the sale of property at the southwest corner of St. Louis and Jefferson streets, 145 feet on St. Louis street and 100 feet on Jefferson street, for $1.

January 8, 1889, Supervising Architect Will A. Fréret concurred in Mr. Fister's recommendation.

January 8, 1889, Secretary of the Treasury C. S. Fairchild approved the concurrent recommendation of Messrs. Fister and Freret.

This is the report, with the recommendations and approval, to which I refer, numbered 35–R, which I offer in evidence.

This is the proposal, dated December 15, 1888, to which I refer. It is numbered 13–R, and I offer it in evidence.

January 10, 1889, Secretary C. S. Fairchild advised Messrs. Woolley, Porter & Hubbell of the receipt of said proposal; that the Department had determined to purchase the premises embraced therein, and notified them of its acceptance, upon condition that they would give a good and valid title to the same within a reasonable time, and advised them that the Attorney-General had been requested to instruct the United States attorney for the western district of Missouri to procure the necessary evidence of title and deeds of conveyance to the United States; and when said papers were received at this Department, with the approval of the Attorney-General, as required by law, the payment of the purchase money would be promptly made. This is a copy of the letter to which I refer. It is numbered 21–S, and I offer it in evidence.

January 10, 1889, Secretary C. S. Fairchild advised the Attorney-General of the acceptance of said proposal and made the request above specified, and requested him to forward the papers pertaining to the title, with his opinion in regard to the validity of title. This is a copy of the letter to which I refer. It is numbered 22–S, and I offer it in evidence.

March 23, 1889, Attorney-General W. H. H. Miller transmitted the abstract of title to said property, with his opinion that, subject to certain conditions of release of incumbrances, etc., a good and sufficient title could be passed to the United States thereby. This is the paper to which I refer. It is numbered 342–R, and I offer it in evidence.

I entered upon my duties as Supervising Architect March 26, 1889. Subsequently the matter of this case was brought to my attention. It was then in the hands of the accounting officers of the Supervising Architect's office. The vouchers in payment for the property were prepared in favor of the owners of the property, as shown by the abstract of title and the opinion of the Attorney-General above specified. They show that the owners of the property were as follows:

One parcel of said tract of land was owned by George A. C. Woolley, L. W. Hubbell, and A. B. Crawford; another parcel by William B. Sanford, and another parcel by the Scott Investment Company.

The draughts of vouchers are here if the committee desire to see them.

In examining into the case it was found that numerous papers had been received protesting against St. Louis and Jefferson street property as the site, which papers of protest I will hereinafter specifically refer to.

April 10, 1889, a letter was received from Hon. John C. Spooner, referring certain papers to the Secretary of the Treasury, Hon. William Windom, with the statement that on account of certain representations made to him in regard to matters pertaining to Mr. Fister in connection with the selection of the St. Louis and Jefferson street property, he would, before Congress assembled, have his committee called together for the purpose of examining into the matter.

Among the papers referred to by Mr. Spooner was a duly authenticated affidavit from one E. T. Robberson, dated April 22, 1889, alleging possible attempts at bribery and undue influence with Mr. Fister in the selection of said property. This is Mr. Robberson's affidavit. It is numbered 102–R, and I offer it in evidence.

In considering the numerous papers, etc., in the case which had been received up to this point, inquiry was made in regard to the legal status of the case; when the obligations of the contract became established; when the discretionary power of the Secretary of the Treasury in regard to the selection of the site cased under the law, etc., and although the understanding of the Department, based upon opinions rendered by the Attorney General in previous cases, was that the contract obligation of the Government to make payment of the purchase-money became established at the time of the assent of the proposed vendors to the terms of the letter of acceptance of their proposal, unless it became vitiated by proof of undue influence, bribery, or fraud, or by failure to furnish satisfactory title, and that the discretionary power of the Secretary of the Treasury under the law ceased in regard to the selection of the site at the time indicated, subject to the contingencies specified, the question was submitted to the Attorney-General, and the understanding of the Department was fully confirmed by his written opinion in regard to the question.

This is a copy of the letter which presented the question to the Attorney-General. It is dated April 23, 1889, is numbered 35–S, and I offer it in evidence.

This is the opinion rendered by the Attorney-General on the question. It is dated April 29, 1889, is numbered 200–R, and I offer it in evidence.

Some time between April 15 and April 30, 1889, Mr. L. H. Hubbell, of the firm of Woolley, Porter & Hubbell, visited the office in company with Hon. W. H. Wade, at different times. He at first urged a speedy settlement of the case. He and Mr. Wade were then informed that the case was then in such a condition that a satisfactory explanation could not be made; that the Department had received certain papers, and had made certain inquiries of the Attorney-General in regard to the

same, and nothing further could be satisfactorily said until after the receipt of a certain communication which was expected from the Attorney-General, the communication being the opinion, dated April 29, 1889, above referred to.

April 15, 1889, Hon. W. H. Wade also wrote to the Department, inquiring as to the status of the case, and wishing to be specially informed as to whether the matter of change of the location rests with the Secretary of the Treasury or would require an act of Congress. This is Mr. Wade's letter. It is numbered 110–R, and I offer it in evidence.

A verbal reply was made to Mr. Wade soon after, but he was not advised in writing until a subsequent date.

Near the end of April, 1889, Mr. L. H. Hubbell called at the office one morning and stated first to Mr. St. Julien B. Dapray, chief of the law and contract division, and a few minutes after, in the presence of Mr. Dapray, to Mr. H. C. McLean, assistant and chief clerk, in substance that it was immaterial whether the Department returned the abstracts of title and deeds of conveyance, or made payment for the property; that they were suffering damage by the delay, and either one of the two things would be satisfactory. Subsequently, both Mr. Hubbell and Mr. Wade made numerous visits to the office, and Mr. Wade became displeased because he was not fully informed as to the status of the case, but was informed that the reasons which prevented a full explanation were such as would make any statement in explanation of the status of the case misleading, and therefore the office would prefer to wait until it could make such an explanation as would be satisfactory.

The visits, conversations, and statements of Messrs. Hubbell and Wade resulted in precipitating the examination of the papers in the case by the Department, and in view of the considerable protests, their character, including those from the chief-justice and associate justices of the courts, the resolutions adopted at the citizens' mass meetings, the resolutions adopted by the city council, the petition signed by 1,885 tax-payers, numerous other petitions from tax-payers, business men, city officials, county officials *et al.*, and Mr. Spooner's letter, Mr. Robberson's affidavit, etc., I decided to present the case to the Secretary of the Treasury with certain statements and recommendations.

May 10, 1889, I wrote a letter to the Secretary of the Treasury, stating that in view of the statements made in letter addressed to the Assistant Secretary by Hon. John C. Spooner, who is a member of the subcommitttee of the Senate Committee on Public Buildings and Grounds, which was charged with the duties of investigating the conduct and management of affairs in the office of the Supervising Architect that he intended before Congress should meet to get the committee together and investigate the matter of the selection of the site for the public building at Springfield, and inclosing the affidavit, dated April 22, 1889, of Mr. E. T. Robberson, alleging possible fraudulent and undue influence with Mr. Fister, and submitting certain papers protesting against the selection of the St. Louis and Jefferson street property, and suggesting that if the Secretary of the Treasury deem it advisable, a special agent of the Treasury Department be instructed to visit Springfield for the purpose of investigating the allegations and protests referred to, and in order that the Department may have a report from him on the subject before consummating the transaction of the selection and purchase of said property, and explaining the legal status of the case and scheduling the papers referred to. This is a copy of my letter to which I have referred. It is numbered 36–S, and I offer it in evidence.

May 10, 1889, Assistant Secretary George C. Tichenor directed George W. Whitehead, special agent of the Treasury Department, in conjunction with Mr. E. T. Avery, of the office of the Supervising Architect, to investigate the facts connected with the selection of the site for the public building in Springfield, Mo., and particularly as to whether or not any undue or corrupt influence was used in relation to the matter, and referred him to the papers in the possession of Mr. Avery for particulars, and directed him to report the result of his inquiry, with the evidence obtained by him, without unnecessary delay. This is the letter to which I refer. It is numbered 37–S, and I offer it in evidence.

May 11, 1889, the Secretary of the Treasury addressed another letter to Mr. Whitehead, advising him that all the papers referred to in letter of the 10th instant to the Secretary of the Treasury were sent by Mr. E. T. Avery, of the office of the Supervising Architect, with a letter dated May 11, 1889, and the inclosures therein referred to, addressed to the Secretary by me in regard to the subject. This is a copy of the letter to which I refer. It is numbered 38–S, and I offer it in evidence.

May 11, 1889, I addressed another letter to the Secretary of the Treasury, referring to my letter of May 10, 1889, inclosing other papers of protest, etc., which had been found. This is the letter to which I refer. It is numbered 38½–S, and I offer it in evidence.

May 10, 1889, the Secretary of the Treasury directed Mr. E. T. Avery, of the office o fthe Supervising Architect, to proceed to Springfield for the purpose of making an inspection of the several properties offered and described in the memoranda inclosed, and submitting his written report as to the suitability and adaptability of each for a site for the building; directing him while performing the duty to avoid any conversation with any person, and to keep his identity and the object of his visit unknown, etc. This is the letter to which I refer. It is numbered 39–S, and I offer it in evidence.

May 22, 1889, Mr. George W. Whitehead, the special agent, submitted a lengthy report in regard to his investigation of the matters above referred to, stating in substance that the St. Louis and Jefferson streets site is in the extreme southeast corner of the business part of the city; it would absolutely ignore the people north of Pine street, and will be an unwise selection; if ten disinterested men were sent to inspect the property, one after the other, not one would express a different opinion. He refers to the allegations made in Mr. Robberson's affidavit, that rumors were current that money was used in connection with the selection, but none were traced to authenticity; if Fister had any interests in the transaction they must have been prospective, as the money subscribed for the St. Louis and Jefferson streets site had not been paid; that there was no doubt that undue influence was used in the selection of the site, and that he thinks Fister's action was controlled by political and personal considerations, and he aimed to please a few who owned real estate in that part of the city; that he inferred that attempts at bribery were made, but was unable to trace the matter to authenticity or to establish proof of the charge, etc., and inclosed a letter from G. A. Ramsey, addressed to John Foley, concerning alleged irregularities in obtaining the deed from the Scott Investment Company, etc. This is Mr. Whitehead's report, to which I refer. It is numbered 157–R, and I offer it in evidence.

May 21, 1889, Mr. E. T. Avery, of the office of the Supervising Architect of the Treasury Department, submitted his report, stating in substance that he does not recommend the St. Louis and Jefferson streets property for a site as first choice, as it is in the southern section

of the city, but if a location in that section should be determined upon, a majority of the people there would favor such site, and submitted a long statement in regard to the desirability of other properties which had been offered and inspected.

The report is not favorable to the St. Louis and Jefferson streets site, and is favorable to a location north. This is the paper to which I refer. It is numbered 161–R, and I offer it in evidence.

After considering the letter inclosed in Mr. Whitehead's report, dated May 17, 1889, addressed to John Foley, city collector, by G. A. Ramsey, alleging certain irregularities in the matter of the execution of the deed of the parcel of land owned by the Scott Investment Company, embraced in said site, it was decided to investigate the charges. This is Mr. Ramsey's letter, addressed to Mr. Foley. It is numbered 159–R, and I offer it in evidence.

May 25, 1889, the Secretary of the Treasury addressed a letter to Mr. John Foley, inclosing a copy of Mr. Ramsey's letter, and requested him to obtain from Mr. Ramsey a copy of the by-laws of the Scott Investment Company. This is the letter addressed to Mr. Foley. It is numbered 41–S, and I offer it in evidence.

May 28, 1889, John Foley replied and complied with said request. This is his letter. It is numbered 164–R, and I offer it in evidence.

June 1, 1889, Hon. J. N. Tyner forwarded to the Department a letter addressed to him by J. H. Bouslog, inclosing an affidavit of F. J. Underwood, a stockholder in the Scott Investment Company, and a member of the city council, to the effect that the deed of the parcel of land owned by the Scott Investment Company was not regularly executed in accordance with the by-laws of the company; that the notice of the meeting of the directors of said company to consider the proposition to sell was not properly served; that the secretary of the company did not act as attest to the instrument or affix the official corporate seal of the company, as required by the by-laws, and that the authorized corporate seal was not used in the execution of the instrument, and alleging other irregularities in the execution of the instrument. These are the papers to which I refer. They are numbered 165–R, and I offer them in evidence.

After considering the further protests, affidavits, etc., received in connection with the past history of the case, the Department decided to investigate the alleged irregularities in the execution of said deed.

June 3, 1889, Secretary of the Treasury Windom inclosed the necessary papers to the Attorney-General and requested him to instruct the United States attorney for the western district of Missouri to thoroughly investigate the same and to submit his (the district attorney's) report, and when the same was received, to return all the papers with his opinion in regard thereto. This is a copy of the letter to which I refer. It is numbered 42–S, and I offer it in evidence.

June 20, 1889, E. E. Kimball, United States attorney for the western district of Missouri, submitted a report to the Attorney-General upon his examination of the alleged irregularities in the execution of said deed from the Scott Investment Company. With said report is a volume of evidence. It is too voluminous to offer in evidence and does not seem necessary. I therefore offer Mr. Kimball's report in evidence. This is the paper. It is numbered 167–R.

June 29, 1889, Attorney-General W. H. H. Miller forwarded the report of the United States district attorney for the western district of Missouri with all of the inclosures therein in regard to the investigation of the alleged irregularities in the execution of the deed from the Scott

Investment Company, and expressed his opinion that as the matter now stands the said deed may well be regarded as insufficient for the purpose originally contemplated, and unless the company shall, by a future action of its board of directors, agree to a voluntary conveyance of the property, the only way in which a valid title thereto can be acquired by the United States is by the institution of proceedings to condemn it. This is the Attorney-General's letter, to which I refer. It is numbered 166–R, and I offer it in evidence.

At this point (as will be seen from Mr. Kimball's report, 167–R, and the Attorney-General's opinion, 166–R, above offered in evidence) it appeared that the Scott Investment Company had enjoined the record of said deed which was in escrow; placed incumbrances upon the property, such as deeds of trust, mortgages, etc., which, together with the alleged irregularities in the execution of the deed and the report of the district attorney and the opinion of the Attorney-General in regard thereto, prevented Messrs. Woolley, Porter, and Hubbell, with whom the Government had made the contract for the purchase of the property, but who really did not own the same, from furnishing satisfactory evidence of title and conveying the property to the United States.

All matters pertaining to the case, the complicated condition of the same, the personal and written statements of the various parties interested in the matter of site, the fact that the St. Louis and Jefferson streets property was offered without cost, the prices asked for the other sites offered, the facts found in the Attorney-General's opinion, the inability of the proposed venders, Messrs. Woolley, Porter, and Hubbell, to give satisfactory title, etc., were again considered.

About this time, Messrs. Geo. A. C. Woolley and G. P. Peale visited the Department with several letters of introduction, and called at the Department daily for a number of days, and made numerous statements in regard to the matter.

The question before the Department then was, whether the Department would ascertain from the Scott Investment Company whether they would voluntarily consent, by the action of their board of directors, to convey the property to the United States, or whether the Government would acquire title to the St. Louis and Jefferson streets property by condemnation, or whether the Department would formally do what the facts and law in the premises had already practically done, annul and release the obligations on the part of the proposed venders and of the United States under the contract originally made for the purchase of said property.

Messrs. Woolley and Peale were verbally advised of the status of the case, and in brief it may be stated that as a result of several conversations which they had at the Department, through their friends, it was found that the Scott Investment Company were formally tendered the amount which said parties had originally agreed to pay for the parcel of land owned by said company, and that they, by the formal action of their board of directors, refused to accept the tender.

To establish this point, I offer in evidence this letter, dated July 31, 1889, from James W. Silsby, United States district court clerk, addressed to Hon. Wm. Windom, Secretary of the Treasury, inclosing affidavit of W. G. Porter, jr., and T. B. Holland, of the same date, which are numbered 187–R; this letter, dated August 2, 1889, addressed to Hon. William Windom by James W. Silsby United States district court clerk, number 189–R, inclosing affidavit of the same date of S. W. Horine, Seth Tuttle, J. J. Hibler, and B. F. King; this notice, dated August 1, 1889, of the meeting at 3 p. m., August 2, 1889, of the board

of directors of the Scott Investment Company, for the purpose of considering the question of accepting or rejecting the tender of $8,000 by T. B. Holland for the lot belonging to the company on the southwest corner of St. Louis and Jefferson streets, signed by the president and attested by the secretary of the company; this affidavit, dated August 2, 1889, of W. G. Porter, jr., and T. B. Holland, in regard to the tender and rejection by the company. Other papers have been received establishing the fact.

Messrs. Woolley and Peale were still in Washington, continuing to make almost daily visits to the Department and making numerous statements, propositions, and arguments in regard to the question then at issue, urging the acquisition of title to the St. Louis and Jefferson street property by condemnation, offering to satisfy all costs and damages which may accrue or be awarded in condemnation, should the same be instituted, etc.

The Department again had all the matters pertaining to the case under consideration, and the material question under consideration was whether title to the St. Louis and Jefferson street property should be acquired by condemnation, or whether other property should be selected for the purpose.

A question arose as to whether it was legally competent, in view of the facts and status of the case, for the Government to condemn the property and allow Messrs. Woolley, Porter, and Hubbell or George A. C. Woolley and G. P. Peale, or any other citizens of Springfield, to pay the costs and awards in condemnation, should the same be instituted, or whether such costs and awards should properly be paid and satisfied out of the appropriation made by act of Congress approved March 29, and October 2, 1888, by drafts issued upon duly certified and receipted vouchers.

A difference of opinion existed in regard to this question, and the Department decided to present the same to the Attorney-General for his decision.

July 26, 1889, Secretary William Windom presented the question with the papers relating thereto, to Attorney-General W. H. H. Miller. This is the letter to which I refer; it is numbered 45–S, and I offer it in evidence.

July 30, 1889, Attorney-General W. H. H. Miller rendered an affirmative opinion. This is the letter to which I refer; it is numbered 185–R, and I offer it in evidence.

All matters pertaining to the case were again considered, and as it had been urged that the St. Louis and Jefferson street property was nearest the old business center, adjacent to the banks and moneyed institutions, and not far distant from the present post-office site, etc., and the property could be acquired without cost to the Government, the Department decided to abrogate the contract made July 10, 1886, with Messrs. Woolley, Porter, and Hubbell for the purchase of said property, to annul and release all obligations thereunder, and to acquire title to said property by condemnation, with the understanding that Messrs. Woolley, Porter, and Hubbell were to pay the costs and damages resulting from such proceedings, etc.

August 6, 1889, Acting Secretary of the Treasury Geo. S. Batcheller reviewed the case in a letter addressed to Attorney-General W. H. H. Miller, inclosed certain papers, and requested him to give such instructions to the United States attorney for the western district of Missouri as might be necessary to institute proceedings in condemnation against the St. Louis and Jefferson street property, and to advise the

Department of the result thereof. This is a copy of the letter to which I refer; it is numbered 46–S, and I offer it in evidence.

August 6, 1889, Acting Secretary of the Treasury Geo. S. Batcheller addressed a letter to Attorney-General W. H. H. Miller, referring to Department letter of August 6, 1889, requesting the institution of proceedings in condemnation, and requested him to give such instructions to the United States attorney for the western district of Missouri as might be necessary to have him require Messrs. Woolley, Porter, and Hubbell to pay the costs and damages which may accrue and be awarded in said proceedings in condemnation against said property. This is the letter to which I refer; it is numbered 47–S, and I offer it in evidence.

August 6, 1889, Acting Secretary of the Treasury Geo. S. Batcheller advised Messrs. Woolley, Porter, and Hubbell, the Scott Investment Company, Hon. W. H. Wade, and Hon. Geo. W. McCrary, of the action taken in regard to the condemnation of said property. These are the letters to which I refer; they are numbered 49–S, 50–S, 51–S, 48–S, and 52–S, respectively, and I offer them in evidence.

Between August 6, and September 5, 1889, further papers protesting against the St. Louis and Jefferson street property; the action taken by the Department to institute proceedings in condemnation against it; urging the suspension of said proceedings; requesting opportunities for hearings and the selection of other properties, etc., were received. Such papers were telegrams, letters, petitions, newspaper clippings, etc.

The fact should be stated that about April, 1889, Messrs. Thayer, Conger, and Coldren were understood to have been retained as counsel for Messrs. Woolley, Porter, and Hubbell, and by others, and from time to time since have appeared at the Department, and with their clients have endeavored to urge such action as would have secured the final selection of the St. Louis and Jefferson street property, and which would have prevented the selection of any other property for the site for the public building. They, like their clients, have continuously displayed great vigor and activity in their efforts to secure such results.

All of the papers, including those received between August 6, 1889, and September 5, 1889, and all facts connected with the case, were again considered, and in view of the further statements which were orally made by Hon. R. C. Kerens, the Department decided to request the Attorney-General to take such action as was necessary to secure a suspension of the proceedings in condemnation.

The papers to which I refer as having been received about this time will be hereinafter offered in evidence.

September 5, 1889, Acting Secretary Geo. S. Batcheller requested Attorney-General W. H. H. Miller to instruct the United States attorney for the western district of Missouri to take such action as might be necessary to secure the suspension of the proceedings in condemnation against the St. Louis and Jefferson street property. This is a copy of the letter to which I refer; it is numbered 56–S, and I offer it in evidence.

September 6, 1889, Acting Secretary Geo. S. Batcheller advised Hon. R. C. Kerens of the action taken, and that he (the Acting Secretary) would be absent from the city for two weeks from the 7th, but that the Secretary of the Treasury would probably afford him and others opposed to the St. Louis and Jefferson street site opportunity to make any further statements which might be desired any morning after Wednesday of the following week. This is a copy of the letter to which I refer; it is numbered 57–S, and I offer it in evidence.

September 6, 1889, Acting Secretary Geo. S. Batcheller advised Messrs. Woolley, Porter, and Hubbell, and Hon. W. H. Wade of the action taken in regard to the suspension of the proceedings in condemnation against the St. Louis and Jefferson street property. These are copies of the letters to which I refer; they are numbered 59–S and 58–S, respectively, and I offer them in evidence.

September 9, 1889, Secretary of the Treasury William Windom advised Mr. A. W. Ollis, president of the merchants' exchange, of said action. This is a copy of the letter to which I refer; it is numbered 60–S, and I offer it in evidence.

September 17, 1889, Secretary of the Treasury William Windom advised Hon. S. H. Boyd, of Springfield, that the Department was reconsidering the matter of location for the proposed public building. This is a copy of the letter to which I refer; it is numbered 61–S, and I offer it in evidence.

Subsequent to September 6, 1889, Hon. R. C. Kerens visited the Department and made oral statements in regard to the case, urging the selection of other property. His statements were attentively listened to, and were duly considered in connection with all the papers and facts in the case; and Messrs. Woolley, Porter, and Hubbell, through their counsel, Messrs. Thayer and Conger, *et al.*, also appeared at the Department and made numerous statements in regard to the case, which were also attentively listened to and duly considered in connection with the papers and facts in the case.

After considering all of the oral statements and considering all of the papers which were received about this time in connection with the whole record of the case, Hon. William Windom, Secretary of the Treasury, specially requested me to visit Springfield and to personally examine all of the properties which had been offered as a site.

In view of the history of the case, the pressure of business in the office of the Supervising Architect, etc., I did not particularly desire to perform this duty; but as the Secretary had made the request I deemed it my duty to assent, and told him that I would go.

It was understood between the Secretary and myself that I would go about October 15, 1889. This was about September 15, 1889. Subsequently Messrs. Thayer and Conger appeared at the Department and made a statement in regard to the term of court, the period required for the service and return of certain notices in connection with the court proceedings in condemnation, etc.

Desiring to accommodate the gentlemen and to, as far as possible, prevent any unnecessary delay in the matter of consummating all transactions in connection with the question of site, I told the Secretary and them that I would be in Springfield on the 1st day of October for the purposes specified. Mr. Thayer made several inquiries of Mr. Dapray, and was each time informed that I had decided to be in Springfield October 1. It was understood that Messrs. Woolley, Porter, and Hubbell, through their counsel, and through them the other persons interested in the St. Louis and Jefferson street property were informed of the fact.

September 23, 1889, Acting Supervising Architect H. C. McLean advised Hon. R. C. Kerens that I would be in Springfield on October 1, 1889. This is a copy of the letter to which I refer; it is numbered 63–S, and I offer it in evidence.

September 26, 1889, I left my office in the Treasury Department for the purpose of starting on the trip to Springfield, Mo., via Philadelphia,

Pa., and St. Louis, Mo., where I had business matters to attend to in connection with the public service.

September 27, 1889, Secretary William Windom directed St. Julien B. Dapray, chief of the law and contract division of the office of the Supervising Architect, to accompany me in my visit to Springfield, for the purpose of rendering me such service as I might require; also to accompany me to such other places as I might visit, either in going to or returning from Springfield, in connection with work being done on public buildings, for the same purpose. This is a copy of the letter; it is numbered 66–S, and I offer it in evidence.

Mr. Dapray met me in Philadelphia in the evening of September 27, 1889, and together we purchased railroad tickets from Philadelphia, Pa., to Springfield, Mo., via St. Louis, Mo. I arrived in St. Louis Sunday morning, September 29, went to the Southern Hotel. Immediately after breakfast I went out in search of the old custom-house building, and the superintendent of the work, as there were matters connected with the public business there to which I desired to give my attention. I found the custom-house building closed, and after considerable time spent in inquiring and looking for the superintendent of the work, I went to the new post-office, etc., building, where I endeavored to find the custodian of the building, whom I desired to see in regard to some public business connected with the building. I failed to find either of the gentlemen, and found that it would be necessary for me to remain in St. Louis until Monday. I then called on Mr. Kerens in Vandeventer Place. The conversation was largely of a general character, such as would take place between one gentleman and another making and receiving a personal visit. As I have stated, Mr. Kerens knew that I would arrive in St. Louis en route to Springfield. I told him that I was on my way to that city, and that I had some business that would occupy my time in St. Louis on Monday, as I was unable to find the parties whom I desired to see in connection with the work on the public buildings that morning, and that I would leave for Springfield Monday night, and would arrive in Springfield Tuesday morning, October 1, 1889. Mr. Kerens said that it would be convenient for him to go Monday evening.

During my visit I met Mr. B. F. Hobart, whom I had never met before.

After a short call at Mr. Kerens's house, I returned to the Southern Hotel in time for dinner. It rained during the afternoon and I remained in the hotel until the following morning. Early the following morning, and until about 2 o'clock in the afternoon I was very busy with the superintendent of the old custom-house in connection with the work on the building. I invited him to dine with me, in order that I might further converse with him in regard to the work, etc.

During the morning I was introduced to the custodian of the post-office, etc., building.

After dinner, while in company with the superintendent of the custom-house building, and going to the office of the custodian of the post-office, etc., building, I accidentally met Mr. Kerens and Mr. Hobart, whom I had not seen since my call of Sunday morning, with Mr. Churchill, the custodian, and I think one or two others.

After going to the custom-house I took a drive through the park with Mr. Churchill and Mr. Ramsey, the superintendent of the building. After the drive I invited Mr. Churchill, custodian of the post-office, and Mr. Ramsey, superintendent of the custom-house, to tea, and after tea they and Mr. Dapray accompanied me to the depot.

I think that when I met Mr. Kerens and the other gentlemen in the afternoon the invitation was extended me to go from St. Louis to Springfield in the private car which has been referred to in the testimony heretofore given. In regard to the invitation and my acceptance of the same, as a matter of courtesy between one gentleman and another, I gave my testimony beforey our committee on the 11th instant.

Mr. Dapray accompanied me, and shortly after I left the depot and before the train had reached Pacific, Mo., Mr. Dapray suggested to me to send a telegram to the postmaster requesting him to publish in the morning papers of October 1, the fact that I would be in Springfield that morning for the purpose of examining into the matter of site for the public building. After considering the matter, I decided to send such a telegram. The telegram read:

PACIFIC, MO., *September* 30, 1889.

To the Postmaster, Springfield, Mo.:

Please state through Tuesday morning's newspapers that the Supervising Architect will arrive in Springfield Tuesday morning, for the purpose of examining the matter of site for the public building.

JAMES H. WINDRIM.

The telegram was published in the newspapers and there were certain other statements made in the press concerning the fact that I would arrive there that morning. I saw the papers and read the articles, and I do not suppose that there is any doubt in regard to this fact, further than what has resulted from the statements of some of the parties who are now connected with the prosecution of these allegations against my official conduct.

I arrived in Springfield very early on the morning of October 1, probably about 7 o'clock, I have forgotten the exact time; and immediately proceeded to examine the various properties which had been offered as a site. I was met by Mr. A. W. Ollis, J. F. G. Bentley, ex-Mayor Atkinson, and by a few others, and in company with said gentlemen, Mr. Hobart, Mr. Kerens, and Mr. Dapray, and may be one or two others, I drove immediately to the Ozark Hotel. I do not know the time, but it must have been somewhere about 8 o'clock in the morning. It is in the corner of this hotel that the Scott Investment Company have their office. I think that Mr. L. H. Hubbell, of the firm of Woolley, Porter & Hubbell, and Mr. G. P. Peale saw me at that time; they knew that I was there. I went up on the roof of this hotel for the purpose of getting a view of the entire city. Shortly afterward I drove to the corner of St. Louis and Jefferson streets in South Springfield and examined the property, its relations to business, and then drove around and examined other properties, which had been spoken of, in the southern section of the city, and of their relations to business, population, etc. I then examined the sites in the north section of the city.

In regard to the detail of my action during the day of October 1, in inspecting the properties, in meeting the people of North and South Springfield, in attending the public meetings, in examining the properties with the delegation from the south side, in meeting the citizens in the lobby of the Ozark Hotel, etc., I refer to the statements made in my report, addressed to the Secretary of the Treasury, dated October 11, 1889, which I offered in evidence in my testimony on the 11th instant; the paper being numbered 277–R; to the criticism and allegations made as to my official conduct by Messrs. Minard, Woolley, and Fearn, in their paper dated October 17, 1889, which I offered in evidence in my testimony April 11, 1890, which paper is numbered 264–R; the statements con-

tained in my report, addressed to the Secretary of the Treasury, dated October 23, 1889, in contradiction and refutation of the criticisms and allegations made by Messrs. Minard, Woolley, and Fearn, which I offered in evidence in my testimony April 11, 1890, which paper is numbered 279–R, and to which I will hereinafter refer in the specific statements which I will make in direct contradiction and disproval of many of the statements which have been made by Mr. Minard and by Mr. Woolley in their testimony before this committee.

As an evidence that the people of the south side knew that I would be in Springfield October 1, and knew the fact in ample season to arrange for a committee of their business men to meet me at 9 o'clock on the morning of that day. I offer in evidence letter, dated Springfield, Mo., October 1, 1889, addressed to me by Mr. L. H. Hubbell; it is numbered 203–R, and it reads:

A committee of business men and citizens will do themselves the honor of calling upon you about 9 o'clock this morning. Will it be convenient for you to receive us?

I should here state that I left the hotel before this letter reached me.

It seems proper that I should here offer in evidence letter, dated April 7, 1890, which was without request or suggestion from me, addressed to me by Mr. A. W. Ollis, president of the Merchants' Exchange of Springfield, inclosing affidavits from Mr. E. T. Robberson, J. F. G. Bentley, R. L. McElhany, A. L. Demuth, Charles H. Goffe, G. A. Ramsey, T. E. Burlingame, A. W. Ollis, E D. Parce, Paul Roulet, L. T. Hunt, Joseph Wills, and John McGregor, who under oath recite some of the circumstances and facts connected with my conduct in Springfield, October 1, 1889. These are the papers; they are numbered 359–R, and, as I have said, I offer them in evidence.

I may here properly state that I have no doubt hundreds of such affidavits can be secured from men of the same character, position, and business relations in Springfield.

In my testimony of April 11, 1890, in which I characterized the statements in regard to my having played a game of cards or poker while en route from St. Louis to Springfield, as a lie and infamous falsehood, I offered in evidence the affidavits of St. Julien B. Dapray, who accompanied on the trip; Mr. R. C. Kerens, Mr. B. F. Hobart, Mr. J. F. G. Bentley, Mr. James O. Churchhill, and Mr. Powell Clayton, who were in the car, and who under oath have affirmed that I not only did not engage in any game of cards with Mr. Powell Clayton or with any one else, but that cards were not introduced in the car and were not spoken of; said affidavits are numbered 357–R, 355–R, 356–R, 358–R, and 354–R.

As I have already stated, I will hereafter controvert with satisfactory support many of the statements which have been made in the testimony heretofore given before your committee by Mr. Andrew J. Minard and George A. C. Woolley.

I left Springfield on the night of October 1, 1889, and arrived in St. Louis on the morning of October 2, 1889; I left St. Louis on the morning of October 2, 1889, and proceeded directly to Philadelphia, Pa.; I arrived in Philadelphia in the afternoon of October 3; I attended to some business there and returned to Washington and was at my desk in my office October 5, 1889.

A number of matters which had accumulated during my absence demanded my attention, and prevented me from submitting my report to the Secretary of the Treasury upon my visit to Springfield until October 11, 1889.

I wish to call your attention to the fact that my report to the Secre-

tary of the Treasury dated October 11, 1889, fully and impartially presents the merits of the properties located in the south side and of the properties located in the north side of Springfield, the growth of the city, convenience of business, and population, etc., and does not recommend the selection of any particular piece of property in the north side of the city, and that the facts therein stated for themselves logically indicate that the proper location for the public building is where it has been located, in the north side of the city, between Pine and Center streets, on Boonville street.

My report to the Secretary of the Treasury dated October 23, 1889, recapitulates the facts and presents additional argument and papers in support of the statements made in my report of October 11, 1889, and speaks of the Brower and Boonville street property as most desirably located in the north part of the city as a site for the building.

I desire to state here the fact that notwithstanding it seemed to be the general understanding among the citizens of Springfield that they would abide by such selection and decision as the Department might make, after my reports had been submitted, within a very short time after my return from Springfield and before I had prepared or submitted my report of October 11, 1889, Messrs. A. J. Minard, A. R. Fearn, and George A. C. Woolley arrived in Washington, and, with their counsel, Messrs. Thayer and Conger, and other persons, among them a Mr. Montgomery, appeared at the Department, made numerous statements, and represented themselves as a committee having been sent to represent the interests of the citizens of the south side, and I understood that a fund had been subscribed by certain people of the south side to defray their expenses.

I desire to impress this fact upon the attention of this committee that their entire action seems to have been controlled by some peculiar interests, and those peculiar interests can only be explained by a careful analysis of their methods, their procedures, and the statements made in the numerous papers which have been received, all of which in due time I hope to present in evidence.

I also wish to particularly direct the earnest attention of the committee to the fact that this Andrew J. Minard, who has represented himself as being one of the committee appointed in behalf of the citizens of South Springfield, and who has made affidavits and who has been a most zealous and assertive witness and who has made affidavits concerning the circumstances and facts attending my actions during October 1, 1889, the day that I was in Springfield, that he was not in Springfield on October 1, 1889, and that when he was introduced to me in my office in Washington subsequent to October 5, 1889, after my return, he expressed a regret that he was not in Springfield on the occasion of my visit. He made the statement before witnesses from whom, if necessary, I will obtain affidavits. This is a fact which materially affects the credibility of his statements and goes to show that if they are not deliberate falsehoods they are based entirely upon hearsay.

I offer in evidence in regard to Mr. Minard, and in connection with the statements which he has made in affidavits and before this committee under oath, particularly in regard to the circumstances and facts attendant upon my action in Springfield on October 1, 1889, letter dated March 31, 1890, addressed to me by Mr. G. A. Ramsey; it is numbered 346–R; letter dated April 4, 1890, addressed to me by Mr. J. F. G. Bentley; it is numbered 356–R; letter dated April 8, 1890, addressed to me by Hon. R. C. Kerens; it is numbered 355–R.

I now resume the presentation of the history and record of this case.

October 11, 1889, I submitted my report to the Secretary of the Treasury; it is numbered 277–R, and has been heretofore offered in evidence.

Before I submitted that report Messrs. Woolley, Minard, Fearn and their counsel, Messrs. Conger and Thayer, visited my office one afternoon particularly, and made lengthy and argumentative statements in favor of the St. Louis and Jefferson street site. I listened patiently to all they had to say, and subsequently, on the date specified, October 11, 1889, I submitted the report referred to, after a careful consideration of all the facts in the case, and a careful personal examination of the city of Springfield, the various sites and all of the papers submitted in the case.

These persons were not disposed to be satisfied with anything unless it was exactly what they wanted—the selection of the St. Louis and Jefferson street property, or nothing—and nothing short of that would have satisfied them. They appeared before the Secretary of the Treasury subsequent to this date, and there made statements and arguments, reciting certain facts connected with the history of the case, again presenting every statement which they conceived might be accepted as a merit or as an advantage to the St. Louis and Jefferson street property. They claimed the privilege and the right to hear my report. When I say "they," I mean Messrs. Minard, Woolley, and Fearn, and their counsel Messrs. Conger and Thayer. They heard my report read but they were not satisfied. They wanted the original report, or a copy of it. After several hearings they submitted numerous affidavits which incorporated such arguments, which, under the circumstances, must be accepted as the best that they and their counsel could present in the premises, and submitted it to the Secretary of the Treasury, October 17, 1889. It is numbered 264, and was offered in evidence in my testimony on April 11, 1890.

They were not satisfied with doing this and with making many misrepresentations and false allegations against my official conduct, etc., but they had the paper printed—how many hundreds of copies I do not know; but as only one copy of their argument was needed for use by the Secretary of the Treasury, it is not understood why they had the same printed; they took particular care to have the Department know that they had had that document printed; they furnished several copies of it to the Department; at the time, it was construed as a threatening action, and that it was for some ulterior use; inferentially, if the Secretary of the Treasury decided to abandon the proceedings in condemnation against the St. Louis and Jefferson street property and selected some other property for the site, the printed copies of the argument were to be used for the purpose of securing an investigation. This inference has been most practically illustrated and proven, as the fact now stands, the case is being investigated by your committee.

Upon receipt of said paper dated October 17, 1889, I prepared my reply to their statements and their reflections upon my official deportment and personal integrity, and October 23, 1889, I submitted my reply thereto to the Secretary of the Treasury; it is numbered 279–R, and I offered it in evidence before your committee on April 11, 1890.

Subsequent to said date they made numerous efforts to examine the whole record and all of the papers in this case. When I say "they," I mean Messrs. Minard, Woolley, and Fearn, through their counsel, Messrs. Conger and Thayer. In regard to this subject I submitted my testimony before your committee April 11, 1890, and now I wish to state a fact which is known in the Department, and by many persons who

have had business connected therewith, and can be proven by many who have held positions and who have become disconnected with the service, that it is contrary to an established rule and practice to submit the whole record and all of the papers in any site case to any attorney who may apply for the privilege of examining them; also to regard the reports of officers or agents of the Department in regard to their inspection and examination of site cases, as other than confidential papers; they have always been regarded as confidential papers; this can be proven in regard to refusing applications for the privilege of examining such reports in various other site cases.

Mr. Rufus H. Thayer, one of the counsel in this case, was chief of the law and contract division, or, I believe, when he was there it was before the office was put in the classified civil service, and at that time his designation was "law clerk" for many years, and I do not think he can cite a single case in which there was a dispute or a difference of opinion, or a contention over different properties offered as a site for any particular building; that any attorney who appeared in the interest of any particular side or site, was allowed the privilege of examining all of the papers received and sent, including the report of the agent who inspected and examined the properties, and made his recommendation in regard thereto.

Mr. Thayer is here, and he can answer the question if he is able to cite a case. It may be information for the committee, but I can state that from the information that I have received, I doubt that there was ever any such privilege accorded, or that the fact can be proved that it was accorded. In any event, I have been informed by those officers of the Department who are acquainted with the practice, and I know from my personal knowledge of what has been the practice since I have filled the position of Supervising Architect, that it is contrary to the rules and contrary to the practice, to allow such privilege to any attorney.

I may here state that these parties became so persistent in their efforts, subsequent to the date of my reports, to see my reports, examine my reports, to have copies of my reports, or the originals of my reports, and to examine all of the papers in this case, without making their application in due form, their verbal requests made of me were refused, and I deemed it proper to submit the question to Acting Secretary George S. Batcheller sometime in October—I have forgotten the date—subsequent to October 11, 1889. I had a memorandum prepared of which this is a copy; it is numbered 245–R, and to which it was understood that Mr. Batcheller assented, although he did not do so in writing. The paper reads:

As considerable complaint has been made both to the Department and to the office of the Supervising Architect, by certain parties interested in the matter of site for the public building at Springfield, Mo., and Messrs. Conger, Thayer, and Coldren, counsel for Messrs. Fearn, Minard and Woolley, on account of the records and papers in the case not being placed at their disposal for examination, it should properly be stated that the Supervising Architect's Office has held that the papers should not be placed at their disposal unless by the direction of the Secretary of the Treasury; which position is taken in view of special order dated August 5, 1889, signed by Hon. William Windom, Secretary of the Treasury, amendatory of Rule XII of the Rules and Regulations of the Treasury Department, promulgated April 23, 1885, by Hon. Daniel Manning, Secretary of the Treasury, and Treasury order dated October 20, 1830, prohibitory of any papers, etc., being furnished to any person, except upon the filing of a request accompanied by an affidavit showing the necessity for any paper, and upon permission duly given by the proper officer of the Department.

If the parties above referred to ever filed a request in proper form for any papers in the case of site for the public building at Springfield, Mo., it has never been brought to the attention of the office of the Supervising Architect, nor have any instructions in regard thereto been *received*.

In view of the status of the case, the reports of agents, and the verbal and written arguments of counsel, and other parties interested in the St. Louis and Jefferson streets location for said building, the fact that the Department does not wish a criticism of papers received in favor of other locations and arguments made in regard to their advantages, but the presentation of the merits of the location based upon facts within the knowledge of the adherents of the different proposed locations, it is submitted that should such a request be made, it should not be granted.

In connection with the above it is also submitted that a compliance with such a request is contrary to the established practice of the Department, and would lead more to dilatory action, more discussion and criticism, than profit or value in the premises.

It is also submitted in connection with the above that it is contrary to the established practice of the Department, which has prevailed for years, to regard or treat the reports of officers or agents upon specific subjects, such as examination of sites, etc., as other than a paper exclusively for the use of the Department.

Messrs. Minard, Woolley, and Fearn, and their counsel, Messrs. Conger and Thayer, several times subsequent to October 23, 1889, appeared at the Department and made various statements to the Secretary of the Treasury, who accorded them several hearings, and they continued in their zealous efforts to secure the selection of the St. Louis and Jefferson street property as a site or nothing, and to prevent the selection of a site for the building in the north section of the city. They were given as much attention and their statements were listened to with as much attention as the case demanded and the pressure of other equally important public business would permit. I would not be going too far were I to state that it seems that this case has been permitted to consume considerably more time than was necessary to its thorough understanding and proper determination.

After I submitted my report to the Secretary of the Treasury, October 23, 1889, I avoided any further arguments with the Secretary of the Treasury; I refrained from any further reference to the subject in my conversation with him; I did not even mention the subject again to him.

Sometime near November 15, 1889, Hon. W. H. Wade made several visits to the Department; he saw the Secretary; he called at the office of the Supervising Architect; he demanded the privilege and right of seeing the papers. I was not in the office. The gentlemen who were in charge of the papers told Mr. Wade that they recently understood that the papers were not to be shown to any one, and that while his rights and privileges as a member of Congress were recognized he must certainly appreciate the fact that in their subordinate capacities they would have no right to act contrary to what they knew to be the wish of the Department, but that if Mr. Wade would kindly wait for a moment the matter would be brought to the attention of the Acting Secretary. The Acting Supervising Architect, Mr. H. C. McLean, brought the matter to the attention of the Acting Secretary, and the Acting Secretary, Hon. Geo. S. Batcheller, said that Mr. Wade might be shown any paper in the case that he desired to see in the presence of Mr. McLean or Mr. Dapray, but that he was not to take away any copies or original papers. The information was given to Mr. Wade by the Acting Supervising Architect. The Acting Supervising Architect told the chief of the law and contract division, Mr. Dapray, that he might show Mr. Wade any letter or papers which he desired to see. The chief of the law and contract division got out all of the papers and asked Mr. Wade which of the papers he desired to see. When Mr. Wade saw the great quantity of papers in the case he did not examine any of them, and went away, after requesting that all papers bearing upon the political features in the case be picked out for him to see the next day, which request was not complied with.

November 16, 1889, Mr. Wade called at the Department. I think, if

I remember correctly, he saw the Secretary and then came down and saw me, and while he was sitting in my office Mr. Charles M. Hendley, the private secretary of Secretary of the Treasury William Windom, without any knowledge of Mr. Wade being in my office, brought in the Secretary's decision in regard to this case. It is dated November 16, 1889; it is numbered 320–R. I offered it in evidence in my testimony April 11, 1890, and I now request that it be again introduced and be again printed in the record at this point.

320—R.

In re site public building, Springfield, Mo.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
November 16, 1889.

All reports, arguments, affidavits, letters, maps, and other papers relating to the matter of site for the proposed public building in Springfield, Mo., were duly submitted to me, and after a full review of the record and history of the case, and a careful consideration of the question, I hereby direct that the proceedings in condemnation against the property situated at the southwest corner of St. Louis and Jefferson streets, which were suspended agreeably to request made in Department letter of the 5th ultimo, addressed to the Attorney-General, be abandoned, and hereby select the property situate at the corner of Boonville and Brower streets as the site for the proposed public building in Springfield, Mo., and direct that the proposal of Messrs. Foley, Perkins & Whaley, dated October 3, 1889, to sell said property to the United States for said purpose for $20,000, be accepted, and that the papers necessary to carry this decision into effect be immediately prepared.

W. WINDOM,
Secretary.

Conformable to the decision and direction of Secretary of the Treasury, William Windom, the following action was taken:

November 16, 1889, Acting Secretary of the Treasury George S. Batcheller requested Attorney-General W. H. H. Miller to give such instructions as might be necessary to the United States attorney for the western district of Missouri to abandon the proceedings in condemnation against the St. Louis and Jefferson streets property. This is a copy of the letter; it is numbered 70–S, and I offer it in evidence.

November 16, 1889, Acting Secretary of the Treasury George S. Batcheller advised Messrs Woolley, Porter, & Hubbell of the action taken in regard to abandoning the proceedings in condemnation against the St. Louis and Jefferson streets property. This is a copy of the letter; it is numbered 71–S, and I offer it in evidence.

November 16, 1889, Acting Secretary of the Treasury George S. Batcheller accepted the proposal of Messrs. John Foley, Charles Perkins, and W. W. Whaley to sell to the United States the property situated at the corner of Boonville and Brower streets for $20,000. The proposal is numbered 255–R; this is it. I offer it in evidence. This is a copy of the letter; it is numbered 73–S. I offer it in evidence.

November 16, 1889, Acting Secretary of the Treasury George S. Batcheller advised Attorney-General W. H. H. Miller of the acceptance of the proposal of Messrs. Perkins, Foley, & Whaley, and requested him to take such action as might be necessary to have the United States attorney for the western district of Missouri secure the necessary evidence of title and deeds of conveyance to the United States, and when said papers were received by him to transmit them to the Treasury

Department with his opinion in regard to the validity of the title. This is a copy of the letter; it is numbered 74–S. I offer it in evidence.

November 18, 1889, Acting Secretary of the Treasury George S. Batcheller advised Hon. W. H. Wade of the decision and action taken in the case. This is a copy of the letter; it is numbered 75–S, and I offer it in evidence.

February 4, 1890, Attorney-General W. H. H. Miller rendered a favorable opinion in regard to the validity of title to the Boonville and Brower streets property. Subsequently the accounting officers of the Treasury Department thoroughly examined the papers in the case and passed the same. This is it; it is numbered 367–R, and I offer it in evidence.

March 21, 1890, Assistant Secretary George S. Batcheller addressed a letter to Mr. G. A. Neal, United States attorney for the western district of Missouri, and inclosed the drafts in favor of the parties found to be in interest in payment for the Brower and Boonville streets property, and gave him certain instructions relative to bringing the searches down to the date of record and delivering the drafts to the parties. This is a copy of the letter; it is numbered 108–S, and I offer it in evidence.

March 31, 1890, Mr. Neal, the district attorney, informed the Secretary of the Treasury that he brought the service and examination of the title down to date, had had the deeds recorded, and delivered the drafts in payment for the property. This is the letter; it is numbered 368–R, and I offer it in evidence.

January 13, 1890, and February 7, 1890, Messrs. Porter & Hubbell requested the return of the abstract of title to the St. Louis and Jefferson streets property; the deeds of conveyance, etc. These are the letters; they are numbered 336–R and 336½–R, and I offer them in evidence.

February 12, 1890, Acting Secretary of the Treasury George S. Batcheller acknowledged the receipt of said letters and advised Messrs. Porter & Hubbell that the title papers would be examined and such of them as should be returned would be returned. This is a copy of the letter; it is numbered 104–½ S, and I offer it in evidence.

March 11, 1890, Secretary William Windom inclosed all of the papers connected with the abstract of title to the St. Louis and Jefferson streets property (with the exception of the deed from the Scott Investment Company, which was held for the reason that it formed the basis of an investigation in regard to allegations of irregularities in its execution) to Attorney General W. H. H. Miller, and requested him to return them to the parties in interest through the United States attorney for the western district of Missouri. This is a copy of the letter; it is numbered 106–S, and I offer it in evidence.

March 11, 1890, Secretary of the Treasury William Windom advised Messrs. Porter and Hubbell of the action taken in regard to the return of said title papers. This is a copy of the letter; it is numbered 105–S, and I offer it in evidence.

It should here be noted that all that portion of the testimony heretofore given before your committee which states that the title papers have not been returned is incorrect, notwithstanding the fact those statements were made under oath.

December 18, 1889, Hon. W. H. Wade introduced a bill, being H. R. bill 516, to provide for the increase of the limit of cost of the site and public building in Springfield, Mo.

Upon receipt of a copy of the bill, which was sent to me on January 11, 1890, I wrote to Mr. Wade and called his attention to certain errors

which the bill contained. This is a copy of the letter; it is numbered 87–S, and I offer it in evidence.

Mr. Wade called at the office, had a conversation in regard to the matter, and on January 14, 1890, I wrote another letter to Mr. Wade in regard to said bill. This is a copy of the letter; it is numbered 90–S, and I offer it in evidence.

Mr. Wade had further conversations at the office and in writing further requested reports, etc., in regard to the bill.

February 10, 1890, in compliance with a written request from the Committee on Public Buildings and Grounds, House of Representatives, dated January 20, 1890, I made a written report to the chairman of said committee, and advised Mr. Wade thereof. These are copies of the letters; they are numbered 99–S and 100–S, and I offer them in evidence.

December 22, 1888, Hon. W. H. Wade wrote the following letter to the supervising architect:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
December 22, 1888.

Hon. WILL. A. FRERET,
Supervising Architect:

DEAR SIR: In the matter of the proposed public building at Springfield, Mo., I have to request that you prepare no plans for said building until after the site has been determined upon and I have had time to secure the passage of a law to increase the limit of cost.

Respectfully yours,

W. H. WADE.

17—S.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, December 1, 1888.

The POSTMASTER, *Springfield, Mo.*

SIR: Congress having authorized the purchase of a site for the public building to be erected in your city, I have caused an advertisement to be prepared, inviting sealed proposals for the sale, to the Government, of property suitable for a public building site, and have directed the proposals to be made to you. I inclose herewith a copy of the advertisement and authorization for the publication in the papers therein named, which I will thank you to transmit to the publishers thereof.

You will observe that the said advertisement invites proposals to be received until 12 o'clock noon on the 15th of December, at which time an agent of this Department will visit Springfield for the purpose of inspecting the several properties offered for this purpose.

Please hold all bids that may be submitted until the arrival of the agent.

Respectfully, yours,

WILL A. FRERET,
Supervising Architect.

SEALED PROPOSALS.

OFFICE OF THE POSTMASTER,
Springfield, Mo., December 1, 1888.

Sealed proposals will be received until 12 o'clock noon, on the 15th day of December, 1888, for the sale of property suitable for a site for the public building authorized to be erected in your city. A corner lot is preferred, and the dimensions should not be less than 145 feet by 100 feet; if not a corner lot the dimensions should not be less than 185 feet by 100 feet, the 185 feet to be street frontage. Buildings on the property to be retained and removed by the owner.

The Department reserves the right to reject any and all proposals. Proposals should be marked: "Proposals for the sale of property for a site for the public building at Springfield, Mo.," and to be addressed to the Secretary of the Treasury, and forwarded to

W. H. PIPKIN,
Postmaster.

18—S.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, December 6, 1888.

Mr. THOMAS D. FISTER,
Chief Clerk, Supervising Architect's Office, Treasury Department.:

SIR: Congress having authorized the erection of public buildings at Birmingham, Ala., and Springfield, Mo., I have to advise you that sealed proposals have been invited for the sale of property suitable for public building sites, to be opened on the 10th and 15th instants at 12 o'clock noon.

You are directed to proceed to the above named cities in the order named, and cause the sealed proposals to be opened upon the date advertised and make an inspection of the several properties offered for this purpose, and upon your return submit separate reports in writing together with your recommendation.

Your traveling expenses from Washington to Birmingham and Springfield and return will be paid by the Government.

Respectfully, yours,

WILL A. FRERET,
Supervising Architect.

35—R.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, January 8, 1889.

Mr. WILL A. FRERET,
Supervising Architect, Treasury Department:

SIR: In accordance with office letter of December 6, 1888, I visited Springfield, Mo., and after opening all the bids in the presence of the postmaster and such citizens as chose to attend, I proceeded to examine the different sites offered, which are as follows:

No. 1. D. Stauffer, lot 100 by 190 southwest corner Union and Webster streets, price $4,500

No. 2. W. C. Hombeak, lots 59, 60, 61, 62, and 63 in Graves's addition to Springfield, Mo., fronting on Campbell street 200 feet, and on Pine street 150 feet, to an alley 20 feet wide, also an alley on the south side of block 20 feet wide, for the sum of 12,000

No. 3. Foley & Hutchison, Charles Perkins, property situated on the east sike of Boonville street, and lying on the north side of Bower street, being 147 feet front on Boonville street, and depth to alley in rear 115 feet more or less, at and for the price of, per front foot. 115

No. 4. Harrison F. Denton and Stephen W. McLaughlin, lot on the northwest corner of Campbell and Olive streets, 145 feet on Olive street, and 100 feet on Campbell street, as shown on plat, for the sum of..... 1

No. 5. S. H. Boyd, lot 14 and part of lot 15, block H, Horwood, Lisenly & Boyd's addition to the city of Springfield, Green County, Mo., situated on northwest corner of Washington avenue and Chestnut street, 100 feet front on Washington avenue by 145 feet on Chestnut, and reserving and removing my buildings therefrom, for the sum of 11,000

Or sell lots 14 and 15, block H, addition aforesaid, 202 feet by 200 feet, for the sum of 14,000

Or I will sell lots 16 and 17, unimproved, 201 by 200 feet, southwest corner of Washington and Pine streets, for the sum of.... 8,400

No. 6. W. S. Headley, lot on the northeast corner of Boonville and Scott streets, fronting 145 feet on Boonville street and running back 100 feet on Scott street, for the sum of..... 12,500

No. 7. Lucy Phelps, lot on South Campbell street, between Walnut street and Mount Vernon street, fronting east 185 by 150 feet, with 20 feet alley on the north side, and 15 feet alley on the west, as indicated by plat, for the sum of..... 1

No. 8. Edith Allen Phelps, lot on the northeast corner of St. Louis and Jefferson streets, 145 feet on St. Louis street and 100 feet on Jefferson street, as indicated by plat attached, for the sum of..... 15,475

. 9. Edith Allen Phelps, lot on the northeast corner of St. Louis and Jefferson streets, 145 feet on Jefferson street and 100 feet on St. Louis street, as indicated by plat attached, for the sum of.... $9,575

. 9. Modified bid, Edith Allen Phelps, lot on the northeast corner of St. Louis and Jefferson streets, 145 feet on Jefferson street and 100 feet on St. Louis street, for the sum of..... 6,000
On the same corner 145 feet on St. Louis street and 100 feet on Jefferson street, for the sum of..... 12,000

. 10. O. M. Headley and J. H. Bouslog, lot 145 feet on Boonville street by 190 feet on Calhoun street, on the southwest corner of said streets, for the sum of..... 13,000

. 11. James Reill and C. Eckar, lots fronting 165 feet on Boonville street, running back 125 feet, bounded on north by a 20-foot alley, said lot lying between Pine and Center streets, for the sum of..... 18,000

. 12. Edwin T. Robberson, lot beginning at the northeast corner of Center street and Robberson avenue, in the city of Springfield, Mo.; thence east with the north side of said Center street 145 feet; thence north 100 feet; thence west 145 feet to Robberson avenue; thence south with the east side of said Robberson avenue 100 feet to place of beginning, for and in consideration of $1..... 1

. 13. Wooley, Porter & Hubbell, lot on the southwest corner of St. Louis and Jefferson streets, 145 feet on St. Louis street and 100 feet on Jefferson street, as indicated by plat attached, for the sum of..... 10,500

. 13. Modified bid. Woolley, Porter & Hubbell, lot on the southwest corner of St. Louis street and Jefferson street, 145 feet on St. Louis street, and 100 feet on Jefferson street; we will deed this property to the Government for this purpose for the sum of..... 1

. 14. Jennie Matlock, lot 150 feet square, on the southeast corner of Campbell street and Webster street, at and for the price of $50 per front foot, or..... 7,500

. 15. Edwin T. Robberson, lot northeast corner of Center and Jefferson streets; thence east 150 feet, thence north 150 feet, thence west 150 feet to Jefferson street, thence south 150 feet to place of beginning; for..... 8,000

. 16. J. T. Walker, lots, diagram A, 150 by 173 feet, price..... 8,650
B, 150 by 145 feet, price..... 5,700
C, 145 by 100 feet, price..... 3,600
D, 145 by 100 feet, price..... 2,900

. 17. Ludwig Ullman, lot northeast corner of the intersection of College street with Market street, and running thence north along the east line of said Market street 117 feet, more or less, to a 15-foot alley, thence east along the south line of said alley 155 feet, thence south 100 feet to the north line of said College street, thence westerly along the north line of said College street to the place of beginning; consideration..... 5,000

. 17. Ludwig and Amanda J. Cowen, modified bid. Lot, northeast corner of the intersection of College street with Market street, and running thence north along the east line of said Market street 117 feet, more or less, to a 15-foot alley, thence east along the south line of said alley 155 feet, thence south 100 feet to the north line of said College street, thence westerly along the north line of said College street, to the place of beginning; consideration..... 1

. 18. Edward C. Keyes, lots No. 71 and 72, Hendricks & Jones's addition to Springfield, situated on the corner of Campbell, Scott, and Union streets, having 145 feet frontage on Campbell, same on Union, and 136 feet on Scott street, dimensions, 145 by 136; consideration..... 7,000

. 19. Paul Roulet, agent for Douglas Putnam, lots 98 and 99, Harwood, Lisenby & Boyd's addition to Springfield, Mo., southwest corner Center and Benton avenue, thence south 156½ feet, thence west 214 feet, thence north 156½ feet, thence east 214 feet to beginning; consideration..... 10,000

. 20. Job Newton and Sarah E. Day, lot, 158$\frac{8}{12}$ feet on West Walnut street by 140 feet deep, for the sum of..... 15,000

. 21. John Penmoot, lot 145 feet on Jefferson street by 100 feet on Center street, corner lot, for the sum of..... 10,000
Or, 145 feet on Center street by 100 feet on Jefferson street, also corner lot, for the sum of..... 11,000

No. 22. Mrs. Martha L. Hall, lots 1, 2, and 3, in block 4, 198 feet by 184 feet, on corner of Summit avenue and Locust street, for the price of..... $6,000

No. 23. Mrs. Martha L. Hall, lots 1, 2, and 3 in block 8, 150 feet by 100 feet, on corner Park street and Robberson avenue, for the sum of..... 4,000

No. 24. H. F. Fellows, lot northwest corner of Main and Pine streets, price. 1

No. 25. James Hayes, lot on southeast corner of Chestnut street and Robberson avenue, east 145 feet, west 145 feet, south 100 feet, and north 100 feet, price 5,800

No. 26. Ambrose & Sheppard, lot southeast corner of Jefferson street and East Walnut street, 180 by 120 feet, price..... 10,000

No. 27. George B. Ramsey, lot corner of Jefferson and Webster streets, 150 by 100 feet, for the sum of..... 6,000

No. 28. Joseph Gate, by S. H. Boyd, attorney, lot corner of Center and Boonville streets, 138 by 170 feet, for the sum of 20,000

No. 28. Joseph Gate. Modification. 100 feet fronting on Boonville street, by 175 feet on Center street for the price of..... 1

No. 29. R. L. McElhany, lot running north on east line of Boonville street, 145 feet, east 100 feet to a 20-feet alley; thence south 100 feet; thence west to the place of beginning for the sum of 14,000

Or, I will sell lot commencing at same place, running north on Boonville street 100 feet; thence east 145 feet to 20-feet alley; thence south 100 feet; thence west 145 feet to place of beginning for the sum of 9,000

Or, a lot commencing at southeast corner of said lot where Pine street and Robberson avenue intersect; thence running north on west line of Robberson avenue 100 feet; thence west 145 feet to a 20-feet alley; thence south 100 feet; thence east 145 feet to place of beginning. Consideration..... 1

No. 30. J. F. Daim, lot on South street, 210 feet on South street, and 234 feet on Pearl street, for the sum of 2,500

No. 30. Modified. Same lot for the sum of..... 1

No. 31. F. A. Heacker, corner lot on Boonville and Division streets at $100 per front foot.

No. 32. O. M. Headley, lot southwest corner of Jefferson and Center streets, 145 feet on Center street by 100 feet on Jefferson street, or the reverse, for..... 12,000

No. 33. F. R. Smith, lot southwest corner of Jefferson and Walnut streets 120 feeton Jefferson street, and 155 on Walnut street, for the sum of..... 6,000

After a careful examination, going over the whole city three different times, and after hearing statements at public meetings and elsewhere from the citizens, I am satisfied that the property offered in Number 13, for $1, originally offered for $10,500, is the most suitable site, it being located in the center of the business community, and a few hundred yards from the public square, which is located in the business center. This lot is located favorably so far as drainage and elevation are concerned, and I am convinced that three-fourths of the business people of the city will be satisfied with this location. Property in this neighborhood is the most valuable in the city, and the neighborhood by far the most respectable in that section.

Taking everything into consideration and for the reasons above set forth, I have the honor to recommend the acceptance of the lot indicated. Bids and all papers relating to the same are herewith submitted.

Respectfully, yours,

THOS. D. FISHER,
Assistant and Chief Clerk.

13—R.

PROPOSALS FOR THE SALE OF PROPERTY FOR A SITE FOR A PUBLIC BUILDING AT SPRINGFIELD, MO.

[Woolley, Porter & Hubbell, insurance, real estate, loan, and bond brokers.]

SPRINGFIELD, MO., *December* 17, 1888.

Col. THOMAS FISTER:

MY DEAR SIR: We have succeeded in obtaining subscriptions sufficient to enable us to offer you for the public building site the southwest corner of St. Louis and Jefferson streets. This location is just 343 feet east of the public square at the crossing of streets that extend entirely through the city both from east to west and from north

to south. This lot, 145 feet on St. Louis street, so near the public square, is worth at least $200 per front foot, and the fact that this property is to be purchased and paid for by the business men and property-owners near the business center must, we think, be of some weight and have some influence upon your decision. There are a great many other advantages that might be mentioned. The lot is high, well drained, and, we think, in every way desirable; but we wish to add that we have entire confidence in your ability and your intention to do the right thing, and so far as we have any influence your decision shall be final and satisfactory.

Yours truly,

WOOLLEY, PORTER & HUBBELL.

[Woolley, Porter & Hubbell, insurance, real estate, loan, and bond brokers.]

SPRINGFIELD, MO., *December* 15, 1888.

To the HON. SECRETARY OF THE UNITED STATES TREASURY:

SIR: We agree to furnish the United States Government property for a site for a public building at Springfield, Mo., on the southwest corner of St. Louis and Jefferson streets, 145 feet on St. Louis street and 100 feet on Jefferson street, as indicated by plat attached, for the sum of $10,500.

WOOLLEY, PORTER & HUBBELL.

[Woolley, Porter & Hubbell, insurance, real estate, loan, and bond brokers.]

MODIFIED PROPOSALS TO FURNISH PROPERTY FOR A LOCATION FOR THE PUBLIC BUILDING IN SPRINGFIELD, MO.

SPRINGFIELD, MO., *December* 15, 1888.

To the Hon. SECRETARY OF THE TREASURY OF THE UNITED STATES:

SIR: We agree to modify our proposal to furnish property for a location for the public building in Springfield, Mo., as follows: On the southwest corner of St. Louis and Jefferson streets—145 feet on St. Louis street and 100 feet on Jefferson street. We will deed this property to the Government for this purpose for $1.

WOOLLEY, PORTER & HUBBELL.

21—S.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 10, 1889.

Messrs. WOOLLEY, PORTER & HUBBELL,
Springfield, Mo.:

SIR: Your proposal, in writing, bearing date December 15, 1888, for the sale of certain property located in the city of Springfield as a site for the public building authorized to be erected in that city for the sum of $1 is received, and I now have to advise you that the Department has determined to purchase the premises embraced in your proposal, and you are hereby notified of its acceptance upon condition that you will give a good and valid title to the same within a reasonable time.

The Attorney-General has this day been requested to instruct the United States Attorney for the western district of Missouri to procure the necessary evidence of title and deeds of conveyance to the United States, and when these papers are received at this Department with the approval of the Attorney-General, as required by law, the payment of the purchase money will be promptly made.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

22—S.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 10, 1889.

The ATTORNEY-GENERAL.

SIR: I have the honor to advise you that in accordance with the provisions of the act of Congress approved March 29, 1888, this Department has determined to purchase certain land as a site for a public building at Springfield, Mo., situated at the southwest corner of St. Louis street and Jefferson street, having a frontage of 145 feet on St. Louis street by 100 feet on Jefferson street.

This property is offered for sale by Messrs. Woolley, Porter & Hubbell for the sum of $1. A copy of their proposal, accompanied by a copy of the letter of acceptance is herewith inclosed.

I have to request that you instruct the United States attorney for the western district of Missouri to procure the necessary evidence of title and deeds or conveyance to the United States, and that when these papers are received you will transmit them to this Department with your opinion as to the validity of title.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

342—R.

DEPARTMENT OF JUSTICE,
Washington, March 23, 1889.

SIR: I herewith transmit an abstract of title and other papers relating to certain land in Springfield, Mo., which is selected for the site of a public building authorized to be erected in that place. These papers have been procured and forwarded to this Department by the United States attorney for the western district of Missouri, pursuant to instructions given him in compliance with a request made by the Secretary of the Treasury in a letter to the Attorney-General, dated the 10th of January last. The property referred to is situated on the southwest corner of St. Louis and Jefferson streets, having a frontage of 145 feet on the former and of 100 feet on the latter street.

Among the papers are the following deeds of conveyance to the United States, which together cover the whole of the premises, and which are offered for the acceptance of the Government:

(1) Warranty deed of Geo. A. C. Woolley and wife, L. W. Hubbell and wife, and A. B. Crawford, unmarried. This deed is without date, but is acknowledged by Woolley and wife and Hubbell and wife on January 14, 1889, and by Crawford on February 2, 1889. It grants certain lots and part of a lot therein described, having altogether a front of 103 feet 8 inches on St. Louis street, with a depth of 99 feet.

(2) Warranty deed of The Scott Investment Company, dated January 12, 1889. This deed grants a lot which adjoins the above, fronting 42 feet 4 inches on St. Louis street and extending back 99 feet on Jefferson street.

(3) Warranty deed of Wm. B. Sanford and wife, dated February 8, 1889, grants a strip of land 1 foot wide, fronting on Jefferson street, and extending back that width 145 feet along the rear of the property granted by the two deeds first above mentioned.

These three deeds include the entire area of the site selected. They are accompanied by other deeds to the United States, namely:

(4) Quitclaim deed of Wm. B. Sanford and wife, dated February 18, 1889, covering the property described in deeds 1 and 2 above.

(5) Quitclaim deed of Lemuel W. Bigbee and wife, dated February 23, 1889, covering the property described in deeds 1, 2, and 3 above.

(6) Quit claim deed of C. B. Holland and wife, dated February 21, 1889, covering the same property.

The abstract of title and papers accompanying it disclose the existence of three unreleased deeds of trust affecting the premises, viz: a deed of trust dated May 10, 1888, from Geo. A. C. Woolley *et al.* to T. B. Holland, given to secure the payment of two promissory notes for $6.006.93 each, payable to the order of C. B. Holland and J. L. Holland; another dated May 10, 1888, from A. B. Crawford to D. L. Griffith, given to secure the payment of two promissory notes for $3,003.47 each, payable to the order of George A. Woolley, W. J. Porter, jr., and L. W. Hubbell; and another dated March 28, 1887, from A. J. Minard and wife to John W. Lisenby, given to secure the payment of a promissory note for $5,000, payable to the order of C. B Hol-

and and son. Of these deeds of trust the first two cover the property described in leed 1 above, the other the property described in deed 2.

Since the receipt of said abstract and papers here however, deeds of release from he parties to whom the above mentioned notes were payable have been executed and ubmitted, which (assuming that these parties are the present holders of the notes) re sufficient to discharge the property from the said deeds of trust. These deeds of elease are each dated March 19, 1889; they are marked W, X, and Y, and placed with he other papers.

Upon the evidence furnished by these papers, and assuming that the parties who ave executed the aforesaid releases, are the holders of the notes secured by the deeds f trust released? I am of the opinion that the deeds of conveyance to the United tates from Geo. A. C. Woolley *et al.*, and The Scott Investment Company (deeds 1 nd 2 above), together with the quit-claim deeds 4, 5, and 6, above enumerated, are ufficient to pass a good and valid title to the premises described therein (which in- lude the whole of said site excepting the strip of land 1 foot wide granted by deed above), subject to such taxes as are assessed thereon and remain unpaid. I am also f the opinion that the deed of conveyance to the United States from Wm. B. San- ord and wife (deed 3 above) is sufficient to pass a good and valid title to the strip of and 1 foot wide thereby granted.

In addition to the conveyances, quit-claims, and releases already mentioned, there re four unrecorded instruments among the papers, viz, a quit-claim deed from Martha M. Brown and husband to W. B. Sanford, dated February 18, 1889; one from . B. Holland *et al.* to same, dated February 20, 1889; another from Sarah A. Gray and usband to same, dated February 23, 1889; and another from Emma J. Caskey and usband to same, dated March 14, 1889. These instruments as well as the others men- ioned should be recorded on completion of the transfer of the property.

Before final acceptance of such transfer and putting the deeds to the Government n record, the United States attorney should ascertain whether the parties who exe- uted the aforesaid deeds of release are the holders of the promissory notes secured y the deeds of trust released, and, if so, see that their releases are duly recorded. He should also see that all unpaid taxes upon the property are discharged. Further- more, the searches for incumbrances, etc., should be continued by him down to date, nd if any new liens or incumbrances affecting the property are thereby discovered e should see that they are removed.

I am, sir, very respectfully,

W. H. H. MILLER,
Attorney-General.

The SECRETARY OF THE TREASURY.

The United States to William B. Sanford, Dr., on account of the appropriation for the court-house and post-office, Springfield.

April 5, 1889. To amount of consideration named in deed dated February 18, 1889, conveying from William B. Sanford, and Cora E. Sanford, his wife, to the United States of America, the following described parcel of land situate in the county of Greene, State of Missouri: Beginning 99 feet south of the southwest corner of St. Louis and Jefferson streets, on the west side of said Jefferson street, and running thence south 1 foot; thence west 145 feet; thence north 1 foot to the south line of lot 2 of Woolley, Porter and Hubbell's second subdivision of lot 27, block 8, original plat of Springfield, Mo., and thence east on the south line of said subdivision of lot 27, block 8, and on the south line of the property deeded to the United States by The Scott Investment Co., 145 feet to place of beginning..... $1.00

Deed and letter of Attorney-General certifying to validity of title on file in office Supervising Architect.

General act ceding jurisdiction.

I certify that the above named land has been purchased as a part of site for the court-house and post-office, Springfield, Mo., and that the price paid is just and reasonable according to the terms of proposal.

———, ———,
Supervising Architect.

Received, ———, this —— day of ———, 188— from ———. Paid by special settlement No. ——, the sum of warrant No. —— draft No. ——— (dollars) in full payment of the above account.

Signed in duplicate: ——— ———. Paid by check on ———, No. ——, dated ———, 8—.

The United States to The Scott Investment Company, dr., on account of the appropriation for the court-house and post-office, Springfield.

April 5, 1889. To amount of consideration named in deed dated January 12, 1889, conveying from The Scott Investment Company, to the United States of America, the following described parcel of land situate in the county of Greene, State of Missouri: Beginning at the northeast corner of lot 27, in block 8, of the original plat of the city of Springfield, Mo., running thence south along the west side of Jefferson street 99 feet; thence west 42 feet 4 inches; thence north 99 feet more or less to St. Louis street, and thence east 42 feet 4 inches to the place of beginning $1.00

Deed and letter of Attorney-General certifying to validity of title on file in office Supervising Architect.
General act ceding jurisdiction.

I certify that the above named land has been purchased as a part of site for the court-house and post-office, Springfield, Mo., and that the price paid is just and reasonable according to the terms of proposal.

———— ————,
Supervising Architect.

Received, ———, this —— day of ———, 188—, from ———. Paid by special settlement No. ——, the sum of warrant No. —— draft No. ——, (dollars) in full payment of the above account.
Signed in duplicate:—— ———. Paid by check on ———, No. ——, dated ——, 188—.

The United States to George A. C. Woolley, L. W. Hubbell, and A. B. Crawford, dr., on account of the appropriation for the court-house and post-office, Springfield.

April 5, 1889. To amount of consideration named in deed acknowledged by George A. C. Woolley and L. W. Hubbell, on January 14, 1889, and by A. B. Crawford, on February 2, 1889, conveying from George A. C. Woolley and Amelia A. Woolley, his wife, L. W. Hubbell and Mina L. Hubbell, his wife, and A. B. Crawford (unmarried) to the United States of America, lots Nos. 3, 4, 5, 6, and 7 feet, 8 inches off of the east side of lot 2, in Woolley, Porter, and Hubbell's second subdivision of part of lot No. 27, block 8, original survey of the city of Springfield, Mo $1.00

Deed and letter of Attorney-General certifying to validity of title on file in office Supervising Architect.
General act ceding jurisdiction.

I certify that the above named land has been purchased as a part of site for the court-house and post-office, Springfield, and that the price paid is just and reasonable according to the terms of proposal.

———— ————,
Supervising Architect.

Received, ———, this —— day of ———, 188—, from ———. Paid by special settlement No. ——, the sum of warrant No. —— draft No. —— (dollars) in full payment of the above account.
Signed in duplicate: —— ———. Paid by check on ———, No. ——, dated ——, 188—.

102—R.

SPRINGFIELD, MO., *April* 22, 1889.

The undersigned states that his age is fifty-eight years; that he has been a resident of Springfield, Mo., for some forty years, with whose interest he has been thoroughly identified; that on the evening of the 17th of December, 1888, he was at North Springfield (now a part of the city of Springfield, Mo.), and about a quarter past 8 o'clock of said evening received a telephone message from Lee Holland, cashier of the Exchange Bank, of Springfield, Mo., to come at once to said bank, "That there was a gentleman there that desired to see you at once on important business." The undersigned drove at once to said bank, which is the rise of 1½ miles from said North Spring-

field and found said Holland and a gentleman by the name of Mitchell, a reporter for the St. Louis Globe-Democrat, in said bank.

Said Mitchell stated to said Holland and the undersigned that he was going to St. Louis that night with Colonel Fister; that he had secured a berth in the sleeper for him (Colonel Fister), and had told Colonel Fister that he meant business.

Said Mitchell stated in this interview with said Holland and the undersigned that he thought he could secure the location of the public buildings on the corner of Center and Boonville streets for $10,000. This was made as a proposition to the undersigned.

In answer to which the undersigned stated that the friends of that location had just promised $18,000 to buy the lot, and that he did not believe an additional $10,000 could be raised, but mentioned another lot on Center street, a little east of the corner of Center and Boonville streets, that was just as eligible for a building site. Said Mitchell then asked for a proposition in writing. In about a week or ten days said Mitchell returned to Springfield, Mo., and the first time thereafter the undersigned met him he inquired of said Mitchell what Colonel Fister said about the Center street proposition, to which said Mitchell replied, "he (said Fister) says he can do a great deal better.

Further, it is currently reported that said Mitchell on his second visit to Springfield was with the parties interested in the location on the corner of St. Louis and Jefferson streets most of his time during this visit.

The above, with the extraordinary efforts that have been made by said Colonel Fister and a certain real estate firm he has been in telegraphic communication with to have the Government bound by acceptance of title before the outgoing of the Democratic administration, and Colonel Fister knowing that the site selected by him is not central to business or to population and that there is not a business house east of said site on St. Louis street except two or three small grocery establishments, and not a business house on Jefferson street south of said site of any description, and over three blocks north on said Jefferson street to a business house of any kind except a tobacco manufactory; that it is only three fourths of a mile east of said site to the city limits, and less than that south to the city limits except southwest of said site, while it is some 2¼ miles north to the city limits, and considerably farther to the northeast and northwest limits of the city, with the intermediate space well built up. To commit so flagrant an outrage on a large majority of the citizens of Springfield in connection with the foregoing statement, in the judgment of the undersigned, there must have been some undue influences brought to bear on said Colonel Fister and are suggestive of fraud and bribery.

E. T. ROBBERSON,

Subscribed and sworn to before me, a notary public in and for Greene County, State of Missouri, this 22d day of April, 1889.

[SEAL.] CHARLES D. ROGERS,
Notary Public.

Commission expires March 3, 1893.

35—S.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., April 23, 1889.

The ATTORNEY-GENERAL,
Department of Justice, Washington, D. C.:

SIR. In accordance with the provisions of the act of Congress approved March 29, 1888, the Department, in letter dated December 1, 1888, authorized the publication of an advertisement dated December 1, 1888, for proposals for the sale to the Government of property suitable for a site for the court-house and post-office at Springfield, Mo., which proposals were received and opened at twelve o'clock noon, December 15, 1888.

By letter of January 10, 1889, the Department notified Messrs. Woolley, Porter & Hubbell that it had been determined to purchase property offered by them as a site for the building named, for the sum of $1, and of the acceptance of their proposal upon condition that they give a good and valid title to said property within a reasonable time, and advised them that the Attorney-General had been requested to instruct the United States attorney for the western district of Missouri to procure the necessary evidence of title and deeds of conveyance to the United States, and that when said papers were received at this Department, with the approval of the Attorney-General, as required by law, the payment of the purchase money would be promptly made.

By letter of January 10, 1889, the Department advised the Attorney-General of the action taken under the act of Congress approved March 29, 1888, in regard to securing property suitable for a site for the court-house and post-office at Springfield, Mo., and requested him to instruct the United States attorney for the western district of Missouri to procure the necessary evidence of title and deed of conveyance to the United States, and that when said papers were received to transmit them to this Department with his opinion as to the validity of title.

In letter of March 23, 1889, the Attorney-General transmitted to this Department an abstract of title and other papers relating to the property referred to, with the opinion that, subject to certain conditions, the deeds of conveyance of said property to the United States were sufficient to pass a good and valid title.

A copy of each of the letters above specified is herewith inclosed.

In view of the receipt of certain protests against the selection of the property above named for a site for said building, and the possible desire of this Department to give consideration thereto, the following questions have arisen:

First. When does the discretionary power of the Secretary of the Treasury in regard to the selection of property for a site for said building cease?

Second. When does the obligation of the Department to make payment of the purchase money for said property become established?

Third. When does the title to said property become vested in the United States?

Fourth. Has the opinion delivered by the Attorney-General May 6, 1861, been or should be modified?

In view of the circumstances connected with the case above cited, and the interests of the United States which are involved in several similar cases now pending, and the necessity for the same being determined at an early day, I have the honor to request your opinion in regard to each of the questions above presented.

Respectfully yours,

W. WINDOM,
Secretary.

200—R.

DEPARTMENT OF JUSTICE,
Washington, April 29, 1889.

The SECRETARY OF THE TREASURY:

SIR: By your letter of the 23d instant and the papers which accompanied the same, it appears that under the provisions of the act of March 29, 1888, entitled "An act for the erection of a public building at Springfield, Mo.," the Treasury Department on the 1st of December, 1888, advertised for proposals for the sale to the Government of property suitable for a site for the building authorized to be erected by that act, such proposals to be received until 12 o'clock noon of December 15, 1888.

On January 10, 1889, in a letter addressed to Messrs. Woolley, Porter & Hubbell, Springfield, Mo., the Secretary of the Treasury accepted their proposal bearing date December 15, 1888, for the sale of certain property located in that place for the sum of $1, on condition that they give a good and valid title to the same within a reasonable time, adding: "The honorable the Attorney-General has this day been requested to instruct the United States attorney for the western district of Missouri to procure the necessary evidence of title and deeds of conveyance to the United States, and when these papers are received at this Department with the approval of the Attorney-General as required by law, the payment of the purchase-money will be promptly made"

Subsequently the United States attorney for said district, pursuant to instructions given him by the Attorney-General in compliance with a request made by the Secretary of the Treasury, under date of January 10, 1889, forwarded to this Department title papers relating to the property embraced in the said proposal of Messrs. Woolley, Porter & Hubbell, including certain deeds to the United States offered by them for the acceptance of the Government.

These papers were afterwards transmitted to the Secretary of the Treasury by the Attorney-General, with a letter dated the 23d ultimo, wherein the latter stated that, in his opinion, the deeds offered for acceptance as above are sufficient to convey a valid title to the whole of the premises, subject to such taxes as are assessed thereon and remain unpaid. It was assumed, in that opinion, that three unrecorded releases of certain deeds of trust were executed (as they were alleged to be) by the holders of the notes secured by such deeds of trust. But the Secretary was at the same time advised by the Attorney-General that before accepting a transfer of the property the United States attorney should ascertain whether the persons who executed such releases are the holders of such notes; and, if so, see that their releases are duly recorded; and, furthermore, that he should see that all unpaid taxes upon the property are discharged by the grantors of the premises, etc.

On the 26th ultimo the Secretary of the Treasury wrote to Messrs. Woolley, Porter & Hubbell as follows:

"I have to advise you of the receipt from the Attorney-General of a letter of the 23d instant, transmitting abstract of title and other papers covering property situated on the southwest corner of St. Louis and Jefferson streets, having a frontage of 145 feet on the former and 100 feet on the latter street, selected as a site for the public building to be erected at Springfield, Mo. Before completion of the transfer to the Government of the property in question, in the opinion of the Attorney-General it will be necessary for the district attorney, under whose charge the papers were prepared, to obtain certain information and perform certain duties, which action he will be at once requested to take, and upon indication from him of a compliance with the requirements of the Attorney-General, a formal transfer of the property to the Government will be effected, and action taken looking to a compliance with the requirements of the act of Congress authorizing the erection of the building in question."

In connection with the foregoing, you present for my consideration the following questions:

"First. When does the discretionary power of the Secretary of the Treasury in regard to the selection of property for a site for said building cease?

"Second. When does the obligation of the Department to make payment of the purchase-money for said property become established?

"Third. When does the title to said property become vested in the United States?

"Fourth. Has the opinion delivered by the Attorney-General May 6, 1861, been or should be modified?"

By the act of March 29, 1888, cited above, the Secretary of the Treasury is "authorized and directed to purchase or otherwise provide a site for the proposed building." Under this provision he undoubtedly derived authority to select and contract for the purchase of a site, subject to the restrictions imposed by the act as to cost, etc.; and the correspondence with Messrs. Woolley, Porter, & Hubbell discloses the fact that the site offered by them was selected and their proposal for the sale of the same accepted by the Secretary, on condition that within a reasonable time they give a valid title thereto, bearing the approval of the Attorney-General. This condition being assented to by them, as shown by their acts, the contract to purchase the site so offered on such condition thus became complete.

The deeds with the evidence of title submitted by them have been found by the Attorney-General sufficient to pass a valid title to the site (assuming that certain releases were executed by competent parties, as claimed), subject to such taxes as may remain unpaid, the papers not showing that there were no unpaid taxes thereon.

Should it appear on further investigation that those releases are good; that there are no unpaid taxes on the premises; that the same are free from other liens and incumbrances, and that nothing has occurred since the date of said deeds affecting the title of the grantors thereto, in such case the conditions imposed by the Secretary in his acceptance of the proposal of Messrs. Woolley, Porter & Hubbell would seem to be fully performed and the agreement to purchase the site offered for sale by them to be obligatory. It may be that, as matter of fact, all the conditions required of them have already been performed, and in the absence of investigation the contrary can not well be affirmed.

Assuming that the above-mentioned contract to purchase still subsists (which may fairly be inferred from the papers before me), and that there is not sufficient ground for its rescission on the part of the Government, I submit the following in answer to the questions proposed in your letter in the order in which they are quoted above:

(1) The act of March 29, 1888, authorizes the Secretary of the Treasury to purchase "a site." When this is done his authority to purchase is exhausted; he is not at liberty to buy another site in addition to the first. As such authority is limited to a single site, so the authority derived thereunder to select and contract for the purchase of a site is likewise restricted. Thus the latter authority does not extend to the selection of two or more sites and to the making of contracts for the purchase of each at the same time, excepting, perhaps, where the contracts are expressly made to take effect successively and contingently upon the annulment of prior contracts or the termination thereof without purchase. Agreeably to this view, and on the assumption that the contract to purchase made with Messrs. Woolley, Porter & Hubbell still exists, the Secretary is now without authority to select a second site and contract for its purchase. Should, however, that contract become rescinded or otherwise determined without any actual sale taking place, the authority to select and contract for the purchase of another site would revive.

(2) The obligation to pay for the property arises when a valid title thereto is conveyed to and becomes vested in the United States. Hence not until acceptance of the deeds tendered by the venders, previous to which the investigation hereinbefore mentioned should be made, and it should appear therefrom that the conditions of the contract of purchase have been fully performed by them.

(3.) The answer to the third question is contained in the preceding paragraph.

(4.) I am not aware of any modification of the opinion referred to, nor am I prepared to say (speaking generally) that it should be modified.

I have the honor to, very respectfully,

G. A. JENKS,
Acting Attorney-General

110—R.

SPRINGFIELD, MO., *April* 15, 1889.

The SUPERVISING ARCHITECT TREASURY:

SIR: Will you kindly advise me as to status of site for Government building at Springfield, Mo.? I wish to be informed especially as to whether the matter of change of location vests with the Secretary of the Treasury, or would it require an act of Congress to make such change.

Very respectfully,

W. H. WADE, M. C.

36—S.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, May 10, 1889.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.:

SIR: In view of the statement made in letter of the 10th ultimo, addressed to the Assistant Secretary of the Treasury by Hon. John C. Spooner (who was a member of the subcommittee of the Senate Committee on Public Buildings and Grounds, that was charged with the duty of investigating the conduct and management of affairs in this office during the incumbency of my predecessor), that he intends before Congress meets to get the committee together and investigate the matter of the selection of the site for the proposed public building at Springfield, Mo., and inclosing a statement, of the 22d ultimo, made by E. T. Robberson, duly subscribed and sworn to before Charles G. Rogers, notary public, alleging fraudulent and undue influence in the matter of the selection of said site, I have the honor to submit the following-named papers, protesting against said site, and to suggest that, should the Secretary of the Treasury deem it advisable and proper, the special agent of the Treasury Department be instructed to visit Springfield, Mo., for the purpose of confidentially and as far as practicable investigating the allegations and protests referred to, in order that the Department may have the benefit of a report from him upon the subject before consummating the transaction of the selection and purchase of the site named, by the issuance of certain instructions to the United States attorney for the southern district of Missouri to have certain conditions named in the honorable Attorney-General's letter of March 23, 1889, approving the abstract of title to said site, complied with bfore delivering draft for the purchase money.

The legal status of the site in question (in the absence of proof of fraud) is presented by letter of the 23d ultimo, addressed by the Secretary of the Treasury to the Attorney-General, and letters of March 23, 1889 and April 29, 1889, addressed by the honorable Attorney-General to the honorable Secretary of the Treasury; which papers, and all others connected with said site, are now on file in this office, and can be seen by the special agent, should you deem it proper to give him the instructions referred to?

SCHEDULE OF PAPERS INCLOSED.

Letter, February 15, addressed to Hon. Isaac H. Maynard, Assistant Secretary, by John B. Waddill.

Letter, dated February 15, 1889, addressed to Assistant Secretary Maynard, by J. M. Doling.

Letter, dated March 14, 1889, addressed to Hon. William Windom, Secretary of the Treasury, by S. H. Boyd.

Letter, dated March 3, 1889, addressed to the Attorney-General by John H. Bouslog.

Letter, dated March 27, 1889, addressed to R. C. Kerrens by S. H. Boyd, and referred to the Secretary of the Treasury by Mr. Kerrens.

Letter, dated March 27, 1889, addressed to the Supervising Architect by S. H. Boyd.

Letter, dated March 30, 1889, addressed to the Supervising Architect by S. H. Boyd.
Letter, dated April 2, 1889, addressed to the Secretary of the Treasury by John Foley.
Letter, dated April 12, 1889, addressed to Col. R. Kerrens by John Foley, and referred to the Secretary of the Treasury by Mr. Kerrens.
Letter, dated April 17, 1889, addressed to the Secretary of the Treasury by S. H. Boyd.
Letter, dated April 29, 1889, addressed to Hon. George C. Tichenor, Assistant Secretary of the Treasury, by Hon. James N. Tyner, inclosing letters dated April 2 and 3, 1889, addressed to him by J. H. Bouslog.
Letter, dated May 10, 1889, addressed to Hon. George C. Tichenor, Assistant Secretary of the Treasury, by Hon. John C. Spooner, inclosing statement dated April 22, 1889, made by E. T. Robberson.
Letter, dated May 23, 1889, addressed to Mr. Tichenor, Assistant Secretary of the Treasury, by John Foley.
I have the honor to request the return of the inclosed papers.
Respectfully, yours,

JAS. H. WINDRIM,
Supervising Architect.

37—R.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., May 10, 1889.

GEORGE W. WHITEHEAD,
Special Agent, St. Louis, Mo.:

SIR: You are directed, in conjunction with Mr. E. T. Avery, of the office of the Supervising Architect, to investigate the facts connected with the recent selection of a site for the public building at Springfield, Mo., and particularly as to whether or not any undue or corrupt influence was used in relation to the same. You are referred to the papers in the possession of Mr. Avery for particulars, and you will report the result of your inquiry, with the evidence obtained by you, without unnecessary delay.
Respectfully, yours,

GEO. C. TICHENOR,
Assistant Secretary.

38—S.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., May 11, 1889.

Mr. GEORGE W. WHITEHEAD,
Special Agent Treasury Department, Southern Hotel, St. Louis, Mo.:

SIR: Referring to Department letter of the 10th instant and letter of the 10th instant addressed to the Secretary of the Treasury by the Supervising Architect of this Department, with numerous inclosures, all of which were sent in the hands of Mr. E. T. Avery, of the office of the Supervising Architect for delivery to you, I have now to inclose letter of this date, with numerous inclosures, addressed to the Secretary of the Treasury by the Supervising Architect, all in regard to the matter of site selected for the proposed public building at Springfield, Mo.
Upon completion of the duty specified in Department letter of the 10th instant you are requested to return all papers inclosed in said letter and in this letter to the Department.
Please immediately acknowledge the receipt of the letters above referred to and of this letter.
Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

38½—S.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., May 11, 1889.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.:

SIR: Referring to office letter of the 10th instant, with inclosures, in regard to the matter of site selected for the proposed public building at Springfield, Mo., I have the honor to state that the other protests against said site have been found on the files, and they are inclosed herewith for consideration in connection with the subject.

LIST OF PAPERS INCLOSED.

Statement of county court, without date, signed by M. Bowernuder and O. B. Smith.

Telegram, dated December 22, 1888, addressed to the Secretary of the Treasury by citizens' committee by J. H. Bouslog, chairman.

Resolution, dated January 10, 1889, adopted by public meeting of citizens, signed by J. S. Atkinson, chairman, and Charles H. Goffe, secretary.

Certified copy of resolutions adopted by the Springfield city council, dated January 22, 1889.

Petition, dated February 1, 1889, to the Secretary of the Treasury, signed by Dan F. Ryan, chief of the fire department, and hundreds of others.

Resolution adopted by citizens' meeting January 10, 1889.

Letter, dated February 12, 1889, addressed to the Secretary of the Treasury, signed by E. T. Robberson *et al.*

Letter, dated March 9, 1889, addressed to the Secretary of the Treasury by S. H. Boyd.

Letter, dated March 22, 1889, addressed to the Secretary of the Treasury by S. H. Boyd.

Telegram, dated March 23, 1889, addressed to R. C. Kerrens by B. F. Hobart, and referred to the Department by Mr. Kerrens.

Letter, with inclosures, dated January 16, 1889, addressed to the Secretary of the Treasury by S. H. Boyd.

Respectfully, yours,

JAS. H. WINDRIM,
Supervising Architect.

39—S.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., May 10, 1889.

Mr. E. T. AVERY,
Office Supervising Architect, Treasury Department, Washington, D. C.:

SIR: You are hereby directed to proceed to Springfield, Mo., for the purpose of making an inspection of the several pieces of property described in the inclosed memoranda, and submitting your written report as to the suitability and adaptability of each for a site for the proposed public building in that city.

In making the inspection and report please keep the architectural points as to nature of ground, convenience of approach, etc., the relationship to commercial interests, and the questions of convenience of the public and centrality of population in connection with each of the sites referred to.

While performing the duty above specified you are directed to avoid any conversation with any person in regard to the subject, and to keep your identity and the object of the visit unknown.

Your actual traveling expenses from Washington, D. C., to Springfield, Mo., and return, will be paid by the Government.

Respectfully, yours,

_____ _____,
Secretary.

o. 1. Lot 100 by 190, southwest corner Union and Webster streets.
o. 2. Lots 59, 60, 61, 62, and 63 in Graves's addition to Springfield.
o. —. Fronting on Campbell street 200 feet, and on Pine street 150 feet to an alley eet wide, also an alley on the south side of block 20 feet wide.
o. 3. Property situated on east side of Boonville street and lying on the north of Bower street, being 147 feet front on Boonville street, and depth to alley in 115 feet.
o. 4. Lot on the northwest corner of Campbell and Olive streets, 145 feet on Olive et and 100 feet on Campbell street, as shown on plat.
o. 5. Lot 14 and part of lot 15, block H, Horwood, Lisomly, and Boyd's addition he city of Springfield, Green County, Mo., situate on northwest corner of Washton avenue and Chestnut street, 100 feet front on Washington avenue by 145 feet Chestnut street. Lots 14 and 15, block H, addition aforesaid, 202 feet by 200 feet. s 16 and 17 unimproved, 201 by 200 feet southwest corner of Washington and Pine ets.
o. 6. Lot on northeast corner of Boonville and Scott streets, fronting 145 feet on nville street, and running back 100 feet on Scott street.
o. 7. Lot on South Campbell street, between Walnut street and Mt. Vernon street, ting east 185 by 150 feet, with 20-foot alley on the north side and 15-foot alley on west, as indicated by plat.
o. 8. Lot on the northeast corner of St. Louis and Jefferson streets, 145 feet on Louis street and 100 feet on Jefferson street, as indicated by plat attached.
o. 9. Lot on the northeast corner of St. Louis and Jefferson streets, 145 feet on erson street and 100 feet on St. Louis street, as indicated by plat attached.
o. 9. Modified bid, lot on the northeast corner of St. Louis and Jefferson streets, on Jefferson street and 100 feet on St. Louis street. On the same corner, 145 feet St. Louis street and 100 feet on Jefferson street.
o. 10. Lot 145 feet on Boonville street by 100 feet on Calhoun street, on the southt corner of said streets.
o. 11. Lots fronting 165 feet on Boonville street, running back 125 feet, bounded north by a 20-foot alley, said lot lying between Pine and Center streets.
o. 12. Lot beginning at the northeast corner of Center street and Robberson ave, in the city of Springfield, Mo., thence east with the north side of said Center et 145 feet, thence north 100 feet, thence west 145 feet to Robberson avenue, nce south with the east side of said Robberson avenue 100 feet to place of beging.
o. 13. Lot on the southwest corner of St. Louis and Jefferson streets, 145 feet on Louis street and 100 feet on Jefferson street, as indicated by plat attached.
o. 13. Modified bid, lot on the southwest corner of St. Louis street and Jefferson et, 145 feet on St. Louis street and 100 feet on Jefferson street.
o. 14. Lot 150 feet square on southeast corner of Campbell and Webster streets.
o. 15. Lot northeast corner of Center and Jefferson streets; thence east 150 feet; nce north 150 feet; thence west 150 feet to Jefferson street; thence south 150 feet lace of beginning.
o. 16. Lots, diagram "A," 150 by 173 feet; "B," 150 by 145 feet; "C," 145 by 100 ; "D," 145 by 100 feet.
o. 17. Lot northeast corner of the intersection of College street with Market street, running thence north along the east line of said market street 117 feet, more or , to a 15-foot alley, thence east along the south line of said alley 155 feet, thence th 100 feet to the north line of said College street, thence westerly along the north of said College street to the place of beginning.
o. 17. Modified bid, lot northeast corner of the intersection of College street with rket street, and running thence north along the east line of said Market street feet, more or less, to a 15-foot alley, thence east along the south line of said alley feet, thence south 100 feet to the north line of said College street, thence westerly ng the north line of said College street to the place of beginning.
o. 18. Lots No. 71 and 72, Hendricks and Jones addition to Springfield, situated the corner of Campbell, Scott, and Union streets, having 145 feet frontage on npbell, same on Union, 136 feet on Scott street; dimensions 145 by 136.
o. 19. Lots on 98 and 99, Harwood, Lisonby, and Boyd's addition to Springfield, , southwest corner Center and Benton avenue; thence south 156½ feet; thence t 214 feet; thence north 156½ feet; thence east 214 feet to beginning.
o. 20. Lot 158½ feet on West Walnut street, by 140 feet deep.
o. 21. Lot 145 feet on Jefferson street, by 100 feet on Center street, corner lot, or feet on Center street, by 100 feet on Jefferson street, also corner lot.
o. 22. Lots 1, 2, 3, in block 4, 198 by 184 feet, on corner of Summit avenue and Lot street.
o. 23. Lots 1, 2, and 3, in block 8, 150 by 100 feet, on corner Park street and Robson avenue.
o. 24. Lot northwest corner of Main and Pine streets.

No. 25. Lot on southeast corner of Chestnut street and Robberson avenue, east 145 feet, west 145 feet, south 100 feet, and north 100 feet.

No. 26. Lot, southeast corner of Jefferson street and East Walnut street, 180 by 120 feet.

No. 27. Lot corner of Jefferson and Webster streets, 150 by 100 feet.

No. 28. Lot corner of Center and Boonville streets, 138 by 170 feet.

No. 28. Modification, 100 feet fronting on Boonville street by 175 feet on Center street.

No. 29. Lot running north on east line of Boonville street 145 feet, east 100 feet to a 20-foot alley, thence south 100 feet, thence west to the place of beginning.

Lot commencing at same place, running north on Boonville street 100 feet, thence east 145 feet to 20-foot alley, thence south 100 feet, thence west 145 feet to place of beginning, or a lot commencing at southeast corner of said lot where Pine street and Robberson avenue intersect; thence running north on west line of Robberson avenue 100 feet, thence west 145 feet to a 20-foot alley, thence south 100 feet, thence east 145 feet to a place of beginning.

No. 30. Lot on South street, 210 feet on South street and 234 feet on Pearl street.

No. 30. Modified. Same lot.

No. 31. Corner lot on Boonville and Division streets.

No. 32. Lot southwest corner of Jefferson and Center streets, 145 feet on Center street by 100 feet on Jefferson street or the reverse.

No. 33. Lot southwest corner of Jefferson and Walnut streets, 120 feet on Jefferson street and 155 Walnut street.

157—R.

OFFICE OF SPECIAL AGENT TREASURY DEPARTMENT,
Suspension Bridge, N. Y., May 22, 1889.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.:

SIR: Respectfully referring to Department letter (G. W. M.) of the 10th instant, wherein I am directed in conjunction with Mr. E. T. Avery, of the Supervising Architect's office, "to investigate the facts connected with the recent selection of a site for the public building at Springfield, Mo., and particularly as to whether or not any undue or corrupt influence was used in relation to the same," and to Department letter of the 11th instant, further in relation to the same subject, I have the honor to submit the following report:

It appears from the papers delivered to me by Mr. Avery, and from further papers inclosed in Department letter of the 11th instant, that the chief clerk of the Supervising Architect's office visited Springfield in December last for the purpose of examining the several sites offered for the proposed public building in that city, and that the southwest corner of St. Louis and Jefferson streets was approved and recommended by that officer as the proper location for said building.

In explanation of the situation, and of this report, I inclose herewith a map of the city of Springfield.

The city limits prior to the consolidation with North Springfield extended to Division street on the north, and the business center of the city was the public square.

There are business houses on streets leading from the public square as follows:

On St. Louis street, east to Jefferson, on College street, west to Campbell, and on South street, south to Walnut street.

The business part of Boonville street, north from the public square, practically stops at Phelps street, and until Commercial street is reached few business houses are seen. It should be stated, however, that since the consolidation of the two cities, in 1887, Boonville street, which is 1¼ miles in length, and the main artery between Springfield and North Springfield, has grown handsomely, and that all the indications point to this street as the thoroughfare which will ultimately connect the two commercial centers—the public square and Commercial street.

A fine opera-house, built last year at a cost of $75,000, stands on Boonville street, near the southwest corner of Center. The city offices are located in a building, recently erected, directly opposite the opera-house.

The city is divided into eight wards—four north and four south of Pine street.

At the last general election the four north wards cast a greater number of votes by 479 than were cast in the south wards. Comparing this vote with that of the preceding election, a gain of 1,080 is shown for the north wards as against 610 gain for the south wards, indicating that the increase of population is more rapid to the north than it is south of Pine street. I do not deem it necessary to add to statements here-

tofore filed with the Department concerning the center of population, further than to venture an opinion that dividing the city, north and south, at Chestnut street, would probably leave an equal number of inhabitants on either side, and the most business on the south side.

The St. Louis and Jefferson street site is the extreme southeast corner of the business part of the city. To locate the public building at that point would absolutely ignore the people north of Pine street.

The post-office is now located at the southeast corner of the public square, with a branch office on Commercial street, near Benton avenue.

Seven carriers are employed, five with routes south of Lynn street and two north of that street.

If it were the policy of the Government to locate the public building with a view of accommodating those south of Pine street, and to continue the branch post-office on Commercial street, the site mentioned would still be an unwise selection, in my judgment, because a building at that point would chiefly accommodate a corner, and comparatively an insignificant corner, of the business part of the city, while the growth of Springfield is not in that direction.

I am confident that if the Department were to send ten disinterested men, one after another, to report upon the situation, not one would express an opinion different from the foregoing.

This conclusion leads to the inquiry, Was there any undue or corrupt influence used in the selection of a site?

Numerous protests have been filed with the Department against the St. Louis and Jefferson street site, and several of those who have addressed the Secretary of the Treasury on the subject have stated that there were suspicious circumstances connected with its selection. One of the number, Dr. E. T. Robberson, a gentleman of wealth, character, and influence in the community, alleges in an affidavit made on the 22d ultimo that he was interviewed by one Mitchell, on the night of December 17, 1888, and was then informed by said Mitchell that the location of the public building at the corner of Boonville and Center streets could be secured for $10,000.

Mitchell stated, according to Dr. Robberson's affidavit, that he was going to St. Louis that night with Colonel Fister (the Government officer hereinbefore mentioned), that he had engaged a berth in the sleeper, "and had told Colonel Fister that he meant business."

Dr. Robberson replied that $18,000 had already been subscribed to purchase that site for the Government, and he doubted if $10,000 additional could be raised; but mentioned "another lot on Center street a little east of the corner of Center and Boonville streets that was just as eligible."

Mitchell then asked for a proposition in writing.

Dr. Robberson met Mitchell again about ten days later, on Mitchell's return from St. Louis, and inquired what Colonel Fister said about the Center street proposition. Mitchell replied, "He says he can do a great deal better."

I invited Dr. Robberson's attention particularly to Mitchell's answer last quoted, and asked what was meant or understood by "a great deal better"? The doctor informed me that he gave Mitchell a proposition in writing at the first interview in regard to the Center street site, and that the substance of it was an offer of $12,000 to Colonel Fister and Mitchell ($8,000 and $4,000, respectively) if the Government selected the Center street site, property owned by Dr. Robberson, and that he understood "a great deal better" to mean that other parties had offered Colonel Fister a larger sum of money to locate the building in the south part of the city.

Dr. Robberson says he had no conversation with Colonel Fister on this subject, nor did he again talk with Mitchell on this or any other subject.

I find that a number of persons knew of the Robberson and Mitchell interview. Lee Holland, cashier of the Exchange Bank, and son-in-law of Dr. Robberson, was present when the conversation first referred to took place. John H. Banslag and O. M. Headley, knew of it and consulted Dr. Robberson with respect to the probable purchase of Colonel Fister by those who wanted the Government to take the St. Louis and Jefferson street site.

To use Mr. Banslag's language, "We (they) concluded that Colonel Fister was in the market."

Mr. Banslag wrote Colonel Fister after the latter had returned to Washington, "to test him," as the former states, suggesting if the public building should be located in the vicinity of Center street, property in that section would largely increase in value and that if Colonel Fister desired he (Banslag) could give him options on real estate up that way.

I am told by Mr. Banslag that this letter was on file in the Department in February last, or that it was shown to him by Judge Maynard, late Assistant Secretary, at that time.

There are other rumors that money was used in connection with the selection of this site, but none of them have been traced to authentic sources.

Tobias Mitchell, the person named in Dr. Robberson's affidavit, was forme "railroad reporter," for the St. Louis Globe-Democrat, and is now city editor of Star Sayings, a paper published in St. Louis by a company of which Hon. Natl Frank, M. C., is president.

Assuming that money was used, it is not probable that Mitchell has received considerable portion in view of the fact that he went to Springfield, his former ho about the time of Colonel Fister's visit, and caused it to be announced that he severed his connection with metropolitan journalism and would soon purchase start a paper in Springfield. This project seems to have fallen through and h engaged as above stated.

Mitchell's pecuniary interest, as well as that of Colonel Fister, if either had s interest in the transaction, must have been altogether prospective, as the mo subscribed by parties in and about the public square for the purchase of the Louis and Jefferson street site has not as yet been paid.

(At this point I respectfully invite attention to the inclosed letter addressed John Foley, city collector, by G. A. Ramsey, secretary of the Scott Investment Co pany, concerning alleged fraud in obtaining deed to a part of the site herein refer to.)

I conclude, however, from such information as I have been able to obtain withc making the investigation public, that Mitchell's proposition to secure the location the public building on the Boonville and Center street site for $10,000 was unauthoriz and without the knowledge of Colonel Fister.

Believing that Colonel Fister is a man of at least ordinary common sense, I thin if he was inclined to sell his influence with the Department, that he would ha dealt directly with these parties rather than through Mitchell, a non-resident, ha ing no interests in the city, and a reckless, indiscreet talker.

It seems to me that Mitchell's reply to Dr. Robberson, when asked what Colon Fister said to the Center street proposition, gives a color of improbability to t whole story. If Colonel Fister had done "a great deal better," is it likely he wou have said so to the man Mitchell?

As before suggested, I have made this investigation quietly and without publicity it is evident that public feeling is sufficiently excited without further fuel. Othe wise, I believe that a call on General Holland, Messrs. Woolley and Hubbell, a others interested in property on St. Louis and Jefferson streets, would have disclos the fact that Mitchell offered his influence (?) in their market also.

There was undue influence used, I do not doubt, in the selection of this site. think that Colonel Fister's action was controlled by personal and political consider tions, and that he aimed to please a select few who own real estate in that part of th city, to the exclusion of a large majority of the people. This view is now accepte by those who have heretofore, in letters to the Department, suggested that mone was used.

A gentleman who requested that his name should not be mentioned in this repor but a fair-minded man, with no personal interest in the controversy, informs me tha Colonel Fister had letters of introduction to the chosen few, and that his purpos seemed to be to serve their interests; that it was a foregone conclusion that Messr Holland and Cravens would virtually settle the matter of location.

In concluding this report, I respectfully submit that the best interests of Spring field will be subserved by an early settlement of the site question; much bitterne of feeling has grown out of the strife, and in view of the peculiar situation—two bus ness centers in a city of 30,000 inhabitants—it is not surprising.

Those who have been wholly ignored are justified in expressing their indignatio but I think that the statements of all parties in interest should be considered wit great caution until after the matter of locating the public building is fairly and finall settled.

The inclosures of Department of the 11th instant, together with the papers delivere to me by Mr. Avery, are herewith returned.

Very respectfully,

GEORGE W. WHITEHEAD,
Special Agent.

161—R.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., May 21, 1889.

HON. JAMES H. WINDRIM,
Supervising Architect:

SIR: In accordance with instructions contained in the letter of the Secretary of the Treasury, under date of the 11th instant, to proceed to the city of Springfield, Mo., for the purpose of inspecting the several pieces of property, described in memoranda; inclosed in said letter, and to submit a report as to the suitability of each for a site for the proposed public building in that city, I have the honor to report that I arrived at Springfield on the morning of the 14th instant, and at once commenced work.

I find that Springfield is located on the lines of two railroads separated 1¼ miles apart, viz, the St. Louis and San Francisco on the north, and the Gulf via Memphis and New Orleans on the south.

On the lines of these railroads two separate towns have been built up, each having its own business center. These two towns have in course of growth approached each other from north to south, and so becoming virtually one and the same city have lately been consolidated under one municipality.

The south section on and south of the Gulf railroad, has a public square, of which each side measures about 400 feet.

This square is built up with business blocks, and extending from the center of each side are streets, devoted for several blocks each to business purposes. From the center of the south side extends South street; from the west side, St. Louis street; from the east side, College street; and from the north side, Boonville street.

Boonville street continues on north, crossing the Gulf railroad track at Mill street, and crossing also farther north Commercial street and the tracks beyond of the St. Louis and San Francisco railroad.

Commercial street at its intersection with Boonville street constitutes the business center of the north section of the city, as the public square does the south section.

These two localities are about 1¼ miles apart, being connected by Boonville street.

There is at present a post-office established at the northwest angle of the public square, while the court-house is on the east side of the square.

There is also a branch post-office located on Commercial street, about two blocks east of Boonville street.

The number of sites offered, as per inclosed memoranda, is thirty-three, as follows:

No. 1. Southwest corner of Union and Webster streets. This site is not suitable in any respect, being at too great a distance from the public square and too far west. The streets are but little better than country roads, and the vicinity is occupied by small cottages and vacant lots.

No. 2. Corner of Campbell and Pine streets. The grade on Pine street, between Campbell and Main streets, descends both ways, east and west, and is the lowest at the site offered. Pine street here is very narrow and no better than a country road; sidewalks are of old planks. The neighborhood is occupied by small cottages and vacant lots. The site is not at all desirable in any respect.

No. 3. Northeast corner of Boonville and Brower streets. This location is convenient to both sections of the city, being half a mile north of the public square and 1 mile south of Commercial street. There are no business houses in the vicinity, as the business on Boonville street at present extends north of the public square as far only as Phelps avenue, less than a quarter of a mile, and from Commercial street south on Boonville street business extends only one block. Brower street, however, is quite narrow, and is nothing but a country road, ungraded and rough. It does not cross Boonville street in a straight line, but runs West from Boonville street at a point some 20 feet north of where it strikes Brower street from the east. The vicinity is covered by old houses and vacant lots, except on Boonville street, where are located one block north, near Centre street, the city offices and opera house, with numerous private residences and gardens, both north and south. The main line of street railway runs on Boonville street, connecting the public square south with Commercial street north, the distance between these two points being 1¼ miles.

No. 4. Northwest corner of Campbell and Olive streets. This is a very poor sites with mean surroundings; Olive street here is narrow and dirty. The grade on Olive street descends rapidly from Campbell street north, the roadway being cut down, leaving the site up on a bank from 6 to 12 feet above the street grade. The vicinity is covered by sheds, laundries, small stores, cottages, and vacant lots.

No. 5. Northwest corner of Washington avenue and Chestnut streets. There is nothing in this locality except small houses, vacant lots, and groves of trees. Wash-

ington avenue is wide and north of Chestnut street is lined with old shanties for colored people. The Lincoln school for colored children is close at hand. Chestnut street is a rough ungraded country road and descends to the east. This site does not meet any of the requirements called for.

No. 6. Northeast corner of Boonville and Scott streets. This site, though located on Boonville street, is too far north of the public square. The vicinity is occupied by vacant lots and small houses. It is not a desirable location.

No. 7. South Campbell between Walnut and Mt. Vernon streets. This site is located too far south, and would not be convenient or desirable in any respect. The streets are graded but not paved. The sidewalks are planks, no business houses are here, and the ground is occupied by cottages and groves of trees.

No. 8. Northeast corner of St. Louis and Jefferson streets. St. Louis extends east from the public square, and Jefferson street is the second street east of the public square. The belt line of street-cars runs east from the public square on St. Louis street and turns south on Jefferson street. This site is at the extreme limit of business houses east of the public square, and there are no signs of business extending on beyond Jefferson street east, St. Louis east of Jefferson street being occupied for nearly a mile by residences, gardens, and groves of trees. The grade on St. Louis street is about level from the public square east to Pearl street, but from that point it descends to Jefferson street the site offered occupying the lowest level of grade. Jefferson street north and south is about level for several blocks; beyond at the north the grade descends again. The difference in grade on St. Louis street, in length of site is about six feet. Architecturally considered this is not so good a location as some others offered. It is not so good as the southwest corner of same streets, which is also offered as a site, (see site No. 13). For convenience of approach this site is satisfactory, and for the convenience of the public in the south section of the city it is also desirable; but for the north section of the city, north of Pine street (Pine street being about one-third of a mile north of the public square), and Commercial street more than a mile north of Pine street, it is an extremely inconvenient and objectionable site. As shown by the map, a majority of the population are at present north of Pine street; at the same time there is more business done in the vicinity of and on the public square than on Commercial and adjoining streets.

No. 9. This is the same site as the preceding one, but with modified dimensions.

No. 10. Southwest corner of Boonville and Calhoun streets. This is a good location for the north part of the city, being half a mile south of Commercial street, and but little more than that distance north of Pine street. It is, however, by no means desirable for the south section of the city, south of Pine street. The surroundings are vacant lots, small houses, and coal yards.

No. 11. This site fronts on Boonville street, and is located between Pine and Center streets. The northwest corner of Pine and Boonville streets, which I take to be the site offered, is elevated on a terrace about 5 feet above the street grade. Boonville street at this point is high, though not quite so high as at Center street. This site is a most excellent one, and fulfills all the requirements called for. It is located on the main thoroughfare, connecting the public square and Commercial street. It is one block south of the city offices and opera house, on the line of a street railway, convenient of approach from all parts of the city. Architecturally considered, a building located here, facing on Boonville street, would be a great ornament to the city. From the public square Boonville street descends to Mill street, and from there it rises again to Pine and Center streets. The site is plainly visible from the public square, and is every way desirable. The location is about one-third of a mile north of the public square and a little over a mile south of Commercial street.

No. 12. Northeast corner of Center street and Robberson avenue. Robberson avenue at this point is wide from Commercial street, but south of Center street it is a rough country lane, occupied by barns, small houses, and vacant lots. Center street here is 100 feet wide. The vicinity on Center street is covered by groves of trees and cottages. The locality is not convenient or desirable.

No. 13. Southwest corner of St. Louis and Jefferson streets. This site is located on the corner diagonally opposite site No. 8 (see description). To the north on St. Louis street is a brick church and a large public school, with tobacco factories and feed-stores in close vicinity. The site is on the lowest level of St. Louis street, which here descends both ways, east and west, towards Jefferson street. The business houses are few, and none extend east of Jefferson street. This site is convenient to the public square, and south part of city south of Pine street, but would be very inconvenient to the north part of the city, and of no especial benefit to Commercial street or its vicinity. The approaches are good, but in case the convenience of the south part of the city (as containing the most business houses though less population) were to have the preference over the north part, on the site No. 30, South street, and one sixth of a mile north of St. Louis street, is a better one, as being located on a more level street, better paved, having good wide stone sidewalks, more and better business houses, and surer indications of the extension of business south on South

Letter, dated March 30, 1889, addressed to the Supervising Architect by S. H. Boyd.
Letter, dated April 2, 1889, addressed to the Secretary of the Treasury by John Foley.
Letter, dated April 12, 1889, addressed to Col. R. Kerrens by John Foley, and referred to the Secretary of the Treasury by Mr. Kerrens.
Letter, dated April 17, 1889, addressed to the Secretary of the Treasury by S. H. Boyd.
Letter, dated April 29, 1889, addressed to Hon. George C. Tichenor, Assistant Secretary of the Treasury, by Hon. James N. Tyner, inclosing letters dated April 2 and 3, 1889, addressed to him by J. H. Bouslog.
Letter, dated May 10, 1889, addressed to Hon. George C. Tichenor, Assistant Secretary of the Treasury, by Hon. John C. Spooner, inclosing statement dated April 22, 1889, made by E. T. Robberson.
Letter, dated May 23, 1889, addressed to Mr. Tichenor, Assistant Secretary of the Treasury, by John Foley.
I have the honor to request the return of the inclosed papers.

Respectfully, yours,

JAS. H. WINDRIM,
Supervising Architect.

37—R.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., May 10, 1889.

GEORGE W. WHITEHEAD,
Special Agent, St. Louis, Mo.:

SIR: You are directed, in conjunction with Mr. E. T. Avery, of the office of the Supervising Architect, to investigate the facts connected with the recent selection of a site for the public building at Springfield, Mo., and particularly as to whether or not any undue or corrupt influence was used in relation to the same. You are referred to the papers in the possession of Mr. Avery for particulars, and you will report the result of your inquiry, with the evidence obtained by you, without unnecessary delay.

Respectfully, yours,

GEO. C. TICHENOR,
Assistant Secretary.

38—S.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., May 11, 1889.

Mr. GEORGE W. WHITEHEAD,
Special Agent Treasury Department, Southern Hotel, St. Louis, Mo.:

SIR: Referring to Department letter of the 10th instant and letter of the 10th instant addressed to the Secretary of the Treasury by the Supervising Architect of this Department, with numerous inclosures, all of which were sent in the hands of Mr. E. T. Avery, of the office of the Supervising Architect for delivery to you, I have now to inclose letter of this date, with numerous inclosures, addressed to the Secretary of the Treasury by the Supervising Architect, all in regard to the matter of site selected for the proposed public building at Springfield, Mo.

Upon completion of the duty specified in Department letter of the 10th instant you are requested to return all papers inclosed in said letter and in this letter to the Department.

Please immediately acknowledge the receipt of the letters above referred to and of this letter.

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

the opera-house and on east side by the mayor and public officers of the city. The site is shown by the plat tinted red, accompanying this report. The same points of desirability as to approaches, high ground, architectural requirements, and general convenience to both sections of the city apply to this site as has been described in connection with sites 11 and 16. As this site is located on Boonville street, on a corner lot, it may be thought to possess certain advantages over site 16, which is one block east, on Center street, or as it is on slightly higher ground than site 11, it may on that account be thought preferable. It is, however, a greater distance from the public square (where most of the business of the city is done), than the Boonville and Pine street site, No. 11. For general convenience and with respect also to future growth and extension of business on Boonville street, site 28, northeast corner of Boonville and Center streets, is a most excellent location.

No. 29. North on east line of Boonville street. This site appears to be on the east side of Boonville street, south of the city offices, and north of the Brower street site, No. 3. The opera-house is almost opposite, on west side of Boonville street. It is not a corner lot and not so desirable as sites 3, 11, 16, 28. The location is good and convenient for same reasons as described for site No. 28.

No. 29*a*. Northwest corner of Robberson avenue and Pine street. Both streets at this point are narrow, rough, country lanes; Pine street here is a mere alley lined with sheds and barns. On east side of Robberson avenue is a mean lot of shanties. The site is very objectionable.

No. 30. Two hundred and ten feet on South street, running back to 234 feet on Pearl street. South street extends south from the public square, and is a business street for several blocks south, with business extending south. The site is about two blocks south of the public square.

For the south section of the city this would be a good site, as the approaches are excellent, the ground high, and the street wide, graded, and well paved, and with good stone sidewalks. It would not, however, be a convenient location for the north part of the city, and is on that account objectionable.

No. 31. Corner of Boonville and Division streets. This site is near and south of Commercial street, and would be convenient for the north section of the city, but extremely inconvenient for the south section. It is opposite the street railway stables, and the vicinity consists of small houses and vacant lots.

No. 32. Southwest corner of Center and Jefferson streets. This site is situated similar to site 15, and the same objections apply.

No. 33. Southwest corner of Jefferson and Walnut streets. Located similar to site 26, and same objections apply.

It is evident that to locate the new public building in such a position as to give satisfaction to all the people would hardly be possible.

The principal part of the business is done on and around the public square, south, while it appears from the maps, showing the eight wards of the city, and giving the votes of each ward, that the majority of the population is north of Pine street (which separates the four north from the four south wards, and is about one-sixth of a mile north of the Gulf Railroad on Mill street.)

To locate the building, therefore, in the vicinity of the public square would not be central for population or for future growth, as I find that the city is extending north and east, more than south and west; at the same time the finer residences are well divided between both sections and are numerous on St. Louis, Walnut, and Mount Vernon streets, east, west, and south of the public square, and also on Boonville, Robberson, Jefferson, Benton, and Washington streets, north of the public square, and extending to Commercial street. Beyond on all sides are smaller houses constantly going up, and new streets being laid out. The city is badly scattered and has magnificent distances.

To locate the building at any point much farther north than Center street, which point is over half a mile from the public square and nearly a mile from Commercial street, would hardly seem advisable, and to locate it in the vicinity of the public square would seem equally open to objections, unless a branch office should at the same time be placed on Commercial street.

To locate the building on Boonville street near Center would tend to establish a new and third business locality, to the possible disadvantage of the two others.

As, however, Boonville street connects the two existing business centers and the indications show that it is sure to become in the future a prominent business street for its entire length, from the public square to Commercial street, and as the city offices and the new opera-house (an elegant building costing $75,000), are already established on Boonville street; near Center it would appear that looking to the future as well as to present convenience, this location should be well considered.

The present arrangement of the post-office on the public square and a branch office on Commercial street is a very good one, as the people are well served and each section has about equal privileges. The city is, on the principal streets, well lighted, and

the facilities for reaching different points are amply provided for by the street railways.

Accompanying this report is a memoranda of the various sites, a printed address to the Supervising Architect and the Secretary of the Treasury, etc., five maps, a tinted plat of site No. 28, and a tracing showing plat of site No. 16.

All of which is herewith submitted.

Respectfully, yours,

EDWARD T. AVERY.

159—R.

THE SCOTT INVESTMENT COMPANY,
Springfield, Mo., May 17, 1889.

Mr. JOHN FOLEY, *City:*

DEAR SIR: In reference to your letter inquiring for a statement of the facts as to the execution of a deed by the Scott Investment Company to the Government of the United States, etc., I have to say that I have been the secretary of the company only since February last, and can, of course, only speak of the action of the board in reference to the matter from the secretary's record. I find on page 36 of minutes of the meeting of the board held January 12, 1889, this record, "Attention being called to the fact that at a previous meeting of the board the sale of the property of the company in the southwest corner of St. Louis and Jefferson streets, for $8,000, had been agreed to, and it being stated by a member of the board that the deed was called for, upon motion the president was directed to execute a proper conveyance to the United States of America for the said lot, 42 feet 4 inches by 99 feet, on the southwest corner of St. Louis and Jefferson streets, and deliver the same to T. B. Holland, to be held by him in trust until such time as the required sum of $8,000 is paid to the Scott Investment Company, taking his receipt for the same."

The above motion was carried at a special meeting of the board when but five of the nine directors were present, the secretary of the company, Mr. F. E. Atwood, being absent from the city, and W. A. Knott acting as secretary pro tem of the meeting.

At the annual meeting on January 14 following such meeting a directorate, a majority of which are opposed to the action of the board, were elected and would have commenced proceedings to enjoin the delivery of this deed long before this had they not believed that the site selected by Colonel Fister would be finally rescinded. The most of the company's property is in the extreme southern portion of the city and considerable in the vicinity of the site selected, and the company being in rather close financial circumstances the board feared that any action on their part in this direction would antagonize T. B. Holland and some other men of capital, whose influence might be very valuable to the company in its straightened circumstances.

The company has never received a single cent in payment for the property, and in the event the Government should accept and confirm the site I am unable to see how the company will realize anything on the property.

I have been informed that the deed was attested by W. A. Knott with seal of the company, and if such was the case I have never been able to see how the Government could approve of the deed, as you will see by section 3, page 5, of our by-laws, which I inclose, that no one except the secretary can use the seal for such purpose, and he gives bond of $25,000 (see same section) for faithful performance of his duty. Mr. Knott is nowhere authorized by the board to perform this act. I have also understood that Mr. Atwood signed the deed; but if Mr. Atwood's name appears on the instrument the parties who made the deed obtained a blank deed that had his name on it, and the deed after having the description of the property filled in was never signed by him. Mr. Atwood's affidavit can easily be procured to this fact. I believe, however, the notice of these irregularities has already been brought home to the Government.

If the board believed that the Government would finally confirm the selection made by Colonel Fister, I am satisfied that it would at once proceed to enjoin the delivery of the deed.

Any other information I can give you in reference to the subject will be cheerfully furnished.

Yours, very truly,

G. A. RAMSEY,
Secretary of the Scott Investment Company.

41—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 25, 1889.

Mr. JOHN FOLEY,
City Collector, Springfield, Mo.:

SIR: Inclosed find copy of letter, dated May 17, 1889, addressed to you by Mr. G. A. Ramsey, secretary of the Scott Investment Company, of Springfield, Mo., in regard to a warranty deed from said company conveying certain real estate in the city of Springfield to the United States.

Will you kindly obtain from Mr. Ramsey a copy of the by-laws of the Scott Investment Company and forward to this Department, and oblige,

Respectfully, yours,

———
Secretary.

164—R.

SPRINGFIELD, MO., *May* 17, 1889.

Mr. JOHN FOLEY, *City:*

DEAR SIR: In reference to your letter inquiring for a statement of the facts as to the execution of a deed by the Scott Investment Company to the Government of the United States, etc., I have to say that I have been the secretary of the company only since February last, and can of course only speak of the action of the board in reference to the matter from the secretary's record. I find on page 36 of minutes of the meeting of the board held January 12, 1889, this record: "Attention being called to the fact that at a previous meeting of the board the sale of the property of the company on the southwest corner of St. Louis and Jefferson streets for $8,000 had been agreed to, and it being stated by a member of the board that the deed was called for, upon motion the president was directed to execute proper conveyance to the United States of America for the said lot 42 feet 4 inches by 99 feet, on the southwest corner of St. Louis and Jefferson streets, and deliver the same to T. B. Holland, to be held by him in trust until such time as the required sum of $8,000 is paid to the Scott Investment Company, taking his receipt for the same."

The above motion was carried at a special meeting of the board, when but five of the nine directors were present, the secretary of the company, Mr. F. E. Atwood, being absent from the city, and W. A. Knott acting as secretary pro tem of the meeting.

At the annual meeting on January 14, following such meeting a directorate, a majority of which are opposed to the action of the board, were elected and would have commenced proceedings to enjoin the delivery of this deed long before this, had they not believed that the site selected by Colonel Fister would be finally rescinded. The most of the company's property is in the extreme southern portion of the city and considerable in the vicinity of the site selected, and the company being in rather close financial circumstances the board feared that any action on their part in this direction would antagonize T. B. Holland and some other men of capital, whose influence might be very valuable to the company in its straightened circumstances.

The company has never received a single cent in payment for the property, and in the event the Government should accept and confirm the site I am unable to see how the company will realize anything on the property.

I have been informed that the deed was attested by W. A. Knott with seal of the company, and if such was the case I have never been able to see how the Government could approve of the deed, as you will see by section 3, page 5, of our by-laws, which I inclose, that no one except the secretary can use the seal for such purpose, and he gives bond of $25,000 (see same section) for faithful performance of his duty.

Mr. Knott is nowhere authorized by the board to perform this act. I have also understood that Mr. Atwood signed the deed, but if Mr. Atwood's name appears on the instrument the parties who obtained the deed obtained a blank deed that had his name on it, and the deed after having the description of the property filled in was never signed by him. Mr. Atwood's affidavit can easily be procured to this fact. I believe, however, the notice of these irregularities has already been brought home to the Government.

If the board believed that the Government would finally confirm the selection made by Colonel Fister I am satisfied that it would at once proceed to enjoin the delivery of the deed.

Any other information I can give you in reference to the subject will be cheerfully furnished.

Yours very truly,

G. A. RAMSEY,
Secretary of the Scott Investment Company.

SPRINGFIELD, MO., *May* 28, 1889.

Hon. WILLIAM WINDOM,
Secretary of the Treasury:

DEAR SIR: Please find inclosed copy of by-laws, etc.

JOHN FOLEY.

By-laws, Scott Investment Company, Springfield, Mo.

ARTICLE I.

The general office of this corporation shall be located in the city of Springfield, in Greene County, Missouri.

ARTICLE II.

SECTION 1. The officers of this company to be elected by the board of directors shall consist of a president, vice-president, general manager, secretary, and treasurer, and such other officers as the board of directors shall from time to time deem necessary and appoint; but no one shall be appointed or elected to an office who is not a stockholder.

SEC. 2. The office of vice-president and general manager may be held by one and the same person at the same time.

ARTICLE III.

All elections of officers shall be by ballot and a majority of the board of directors shall be necessary to elect to any office.

ARTICLE IV.

The first annual meeting of the stockholders for the election of directors shall take place on the third Monday in February, 1888, at the general office of the company. The second annual meeting of the stockholders for the election of directors shall take place at the general office of said company on the second Monday in January, 1889, and thereafter the annual meetings of said company for the election of directors shall take place at the same office on the second Monday in January of each succeeding year.

ARTICLE V.

Regular stated meetings of the board of directors shall be held on the first Tuesday of each month. Special meetings of the board shall be held on the call of the president, or in case of his absence or inability to act, on the call of the vice-president, at such time and place as may be named in the call. Notice thereof shall be either served personally on each member or left at his place of business.

ARTICLE VI.

The board of directors shall at their first meeting, or as soon thereafter as practicable, adopt a seal, which shall be used by the secretary in attesting all documents executed by the company requiring the seal.

ARTICLE VII.

The stock of this company shall be transferred only on the books of the company by surrendering the original certificates properly transferred either in person or by attorney, and the issue of new certificates to the proper owner if requested.

ARTICLE VIII.

SECTION 1. It shall be the duty of the president to preside at all meetings of the directors and stockholders when present, except when otherwise provided by law; to call all meetings of the board of directors when necessary under the by-laws, and

when authorized so to do by the board of directors; to execute all deeds and conveyances of real estate of said corporation, and do all other acts required by law or the by-laws of this company to be done by him as president of said corporation.

SEC. 2. It shall be the duty of the vice-president to perform all the duties of the president in his absence or inability to perform such duties.

SEC. 3. It shall be the duty of the secretary, who shall also be the secretary of the board of directors, to keep a true record of all proceedings of the stockholders and directors in a proper book for that purpose as required by law; also, to attest and affix the seal of said corporation to all deeds, conveyances, contracts, and papers executed by said corporation, and to perform any other duties required by these by-laws.

The secretary shall also keep correct and accurate books of account in proper form, showing all the business transactions of said corporation, and also keep a proper stock book in which shall appear a true record and account of all shares of stock of said corporation, to whom issued, and when and to whom transferred, and also keep and preserve safely in such place as may be provided by said corporation all books and papers under his charge belonging to said corporation. Said secretary shall also collect and receive and receipt for and pay over without delay to the treasurer all sums of money which may be due and owing to said corporation, and said secretary shall give a bond to said corporation in the sum of twenty-five thousand dollars for the faithful performance of his duties as secretary with sufficient securities to be approved by the board of directors.

SEC. 4. It shall be the duty of the treasurer of said corporation to receive and receipt for all moneys of said corporation, and said treasurer shall deposit the same in bank or banks, or other safe place of deposit (in the name of the corporation), and also to keep true and accurate books of account showing all amounts of money received and paid out by him, and to retain proper vouchers for all moneys paid out by him, and to make report in writing of the financial condition of the corporation to the directors thereof when requested by them so to do.

And said treasurer shall give bond to said corporation in the sum of fifty thousand dollars for the faithful performance of his duties as treasurer with sufficient securities to be approved by the board of directors.

SEC. 5. It shall be the duty of the general manager under the direction of the board of directors to manage and superintend the business of said corporation generally; to make purchases, sales, and contracts on behalf of said corporation, and to audit bills and claims and demands against said corporation, and sign orders for the payment of the same by the treasurer, which orders for the payment of money shall also be attested by the secretary, with the seal of said corporation attached.

ARTICLE IX.

The salaries of the officers of this corporation, per year, payable monthly, shall be fixed by the board of directors.

ARTICLE X.

All the books kept by any officer of this corporation pertaining to the duties of his office or the business of said corporation shall be open at all times to the inspection of the directors and stockholders of said corporation.

ARTICLE XI.

These by-laws may be altered at any meeting of the board of directors by the concurrence therein of not less than six members of said board.

Additional by-laws adopted by the board of directors, January 6, 1888.

SEC. 1. The bonds of the officers of this corporation shall be filed with the president of the same, who shall deposit the same in some bank or safety deposit, subject to his order or board of directors.

SEC. 2. There shall be an auditing committee, consisting of three persons appointed by the president from the directors or stockholders, whose duty it shall be to examine and audit the books of the secretary and treasurer at least once in three months, and report the condition of the same to the board of directors.

SEC. 3. The secretary shall pay over to the treasurer every Saturday all funds received on account of the corporation with a statement whether on account of stock, rent, sales, or other sources, and it shall be the duty of the treasurer to file such statements for the use of the auditing committee.

165—R.

POST-OFFICE DEPARTMENT,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., June 1, 1889.

Hon. GEO. C. TICHENOR:

MY DEAR SIR: My Springfield, Mo., friend requests me, as you will see by his letter, to hand you the inclosed communication from F. J. Underwood, but I do know Mr. Bouslog and I can assure you he is a thoroughly reliable gentleman.

Yours, very respectfully,

JAS. N. TYNER.

SPRINGFIELD, MO., *May* 28, 1889.

Hon. JAS. N. TYNER:

DEAR SIR: I herewith send you affidavit of F. J. Underwood, a man of good standing and member of our city council, which discloses the methods used in securing title to Mr. Fister's site for our public building.

This information was in the hands of the preceding administration, and I have reason to believe was by them withdrawn at the incoming of the present administration. I hope you will excuse me for asking enough of your valuable time to file these papers with the honorable Secretary of the Treasury.

Very truly, yours,

JOHN H. BOUSLOG.

STATE OF MISSOURI, *County of Greene, ss:*

On this 28th day of May, 1889, personally appeared F. J. Underwood, who, being duly sworn, says that he is now and has been since its organization a stockholder in the Scott Investment Company; that on the 12th day of December, 1888, a special meeting of the board of directors of said company was held, at which meeting a deed of conveyance to a lot belonging to said company, situate on the southwest corner of Jefferson and St. Louis streets, in the city of Springfield, Missouri, was ordered to be executed by the president on behalf of the company to the Government of the United States, for a consideration of $8,000; that affiant is informed and believes that a deed to said lot was executed by the president for a consideration of $1, and placed in escrow in the hands of T. B. Holland; that W. A. Knott, who was elected secretary pro tem. of said meeting, had no authority to attest such deed with a seal; that the seal used on said deed was not the genuine seal of said company but one made in imitation thereof; that at the time of the execution of said deed the true seal was in the custody of the secretary of the company, Mr. F. E. Atwood, and was not used in the execution of said deed; that the authority to attest deeds of conveyance of said company with the seal of the company is vested solely in the secretary of said company by its by-laws; that such secretary is under a bond of $25,000 for the faithful performance of his office. Affiant further says that he saw a copy of the notice of the president calling said special meeting of the board, and that said notice did not state the object for which the same was called as the law directs; that affiant believes the action of said board of directors in executing said deed of conveyance was illegal and said conveyance is void, and that the stockholders will institute proceedings to set aside and render null and void said deed of conveyance, for the reason that the proceedings of the board of directors in the matter was illegal, and that no money has ever been paid by any one for said lot; that the aforesaid deed has been illegally executed, and that the stockholders of the Scott Investment Company intend to take such legal measures as will protect their rights, and that the by-laws hereto attached are a true copy of the by-laws of said Scott Investment Company.

F. J. UNDERWOOD.

Subscribed and sworn to before me this 28th day of May, 1889.

[SEAL.] ANDREW OTTERSON, JR.
Notary Public.

42—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 3, 1889.

Hon. WILLIAM H. H. MILLER,
Attorney-General, Department of Justice, Washington, D. C.:

SIR: Referring to your letter of March 23, 1889, expressing opinion as to validity of title to the property embraced in the accepted proposal of Messrs. Woolley, Porter & Hubbell, dated December 15, 1888, referred to in Department letter of January 10, 1889 addressed to you, as a site for the proposed public building at Springfield, Mo., I have the honor to inclose the following papers:

Letter, dated May 17, 1889, addressed to John Foley, of Springfield, Mo., by G. A. Ramsey, secretary of the Scott Investment Company, of Springfield, Mo. (which letter was obtained by and inclosed in letter dated May 22, 1889, from a special agent of this Department). Letter of the 1st instant, addressed to the Assistant Secretary of the Treasury, George C. Tichenor, by Hon. James N. Tyner, inclosing letter of the 28th ultimo, addressed to him by John H. Bouslog, of Springfield, Mo., inclosing affidavit of F. J. Underwood (a member of the city council, and a stockholder in the Scott Investment Company, of Springfield, Mo.) making certain allegations in regard to the use of the corporate seal of said company, and the officer of said company who alone is vested with authority, under the by-laws of said company, to use the seal and act as attest in connection with deeds of conveyance, etc.

Printed copy of the by-laws of the Scott Investment Company of Springfield, Mo.

Warranty deed from the Scott Investment Company to the United States conveying said property in escrow; to which warranty deed are attached affidavits setting forth certain transcripts of the minutes of certain meetings of said company, etc.

In view of the character of the allegations made in the affidavit of Mr. Underwood and the letter of Mr. Ramsey above cited, I have the honor to request you to instruct the United States attorney for the western district of Missouri to thoroughly investigate the same, in connection with said warranty deed and the by-laws of the company named, and to submit his written report in regard thereto, and to ask your opinion thereon, and the return of all of the inclosed papers, at the earliest possible day.

Respectfully, yours,

W. WINDOM,
Secretary.

167—R.

SPRINGFIELD, MO., *June 20, 1889.*

Hon. W. H. H. MILLER,
Attorney-General, Washington, D. C.:

SIR: Complying with your instructions, bearing date June 5, 1889 (file No. 378, 1889), in relation to certain allegations made in regard to the execution of a deed from the Scott Investment Company to the United States, conveying a portion of the site for a public building in Springfield, Mo., I beg to say that on the 17th day of June, 1889, at Springfield, Mo., I began the investigation of the matter referred to me, Messrs. Woolley, Porter & Hubbell on one side and the Scott Investment Company, by its officers, directors, and general stockholders, on the other, being present.

I have made as thorough an investigation of the facts as seem possible, and respectfully submit the following report:

It seems that on December 15, 1888, Messrs. Woolley, Porter & Hubbell, of Springfield, Mo., submitted a proposal to convey to the United States a site for the contemplated public building in Springfield, Mo., and that such proposal was accepted. Subsequently certain deeds and title papers were sent to the Department for examination, among which was a deed from the Scott Investment Company, of Springfield, Mo., purporting to convey to the United States a tract of land described as follows: Beginning at the northeast corner of lot 27, in block 8 of the original town of Springfield, Mo., running thence south along the west side of Jefferson street 99 feet; thence west 42 feet and 4 inches; thence north 99 feet more or less to St. Louis street; thence east 42 (42 feet and 4 inches) to the place of beginning, which deed was signed "Scott Investment Company, by James Abbott, president, attest W. A. Knott, secretary *pro tem.*," with the seal of the company attached, dated and acknowledged January 12, 1889. I find that the Scott Investment Company was incorporated November 28, 1887, under article 8, chapter 21 of the revised statutes of the State of Missouri, volume 1, page 168, with capital stock of $300,000, and under its articles of association was authorized, among other things, to buy and sell real estate

in Springfield, Mo. Some time in May, 1889, certain allegations seemed to have been filed with the Department in regard to the execution of the deed above mentioned, and affecting its validity. These allegations have been the basis of my investigation, and may be briefly summarized as follows:

(1) That the meetings of the board of directors of the Scott Investment Company, at which an attempt was made to authorize the deed in question, were not legally and regularly called.

(2) That the said deed was not attested by the secretary of the company, as required by the by-laws of the company.

(3) That the seal of the company was not affixed to said deed, and that no seal was affixed to it by the secretary of the company.

(4) That the deed does not comply with the purported order of the board of directors, in this that it does not recite the proper consideration.

(5) That the deed has been delivered to the Government, but no part of the consideration therefor has been paid to the Scott Investment Company.

(6) That certain parties interested as stockholders in said company are threatening to enjoin the delivery of the said deed and otherwise invalidate it.

Addressing myself to the first subject of inquiry concerning the regularity of the action of the board of directors, I find that on January 12, 1889, the date of the execution of the said deed, the officers and directors of the Scott Investment Company were as follows: James Abbott, president and director; F. E. Atwood, secretary and director; D. H. Nichols, director; Seth Tuttle, director; J. J. Hibler, director; L. W. Hubbell, director; W. A. Knott, director; H. T. Rand, director; T. A. Scott, director. I attach to this report a printed copy of the by-laws of the Scott Investment Company, and certain exhibits.

Those marked A, B, C, D, E, are certified copies of all the records of the proceedings of the board of directors of the Scott Investment Company in any way relating to the transfer of the property in question. The meeting on December 6, 1888 (Exhibit A), was an adjourned regular meeting, at which an offer of $8,000 was accepted for the property in question.

The meeting on January 8, 1889 (Exhibit B), was a called meeting held, as stated, pursuant to the call of the president.

The inquiry being made as to the notices given of this meeting it was conceded on all sides that a verbal notice was given to some of the directors and a telephone notice to others of the time and place but no purpose of the meeting was stated; that Director D. H. Nichols, living in Springfield, Mo., received no notice whatever, neither did Director Scott, who lived in St. Louis. It was also conceded that this method of calling special meetings of the board had often been adopted and that at such meetings, so called, all sorts of business had been done by common consent and without objection. At this meeting, among others, the following entry appears: "It was moved by James Abbott, seconded by Seth Tuttle, that a deed be made to the United States of America for the lot on the corner of St. Louis and Jefferson streets for the consideration of $8,000, and placed in escrow in the hands of General Holland, to be delivered on the receipt of the full consideration." This called meeting of January 8 was adjourned to meet on January 14, 1889. In the mean time, to wit, on January 12, the called meeting of January 12 was held (Exhibit C), at which meeting, among others, appears the following entry: "Attention being called to the fact that at a previous meeting of the board the sale of the property of the company on the southwest corner of St. Louis and Jefferson streets for $8,000 had been agreed to, and it being stated by a member of this board that the deed was called for, upon motion the president was directed to execute proper conveyance to the United States of America for said lot, 42 feet 4 inches by 99 feet, on the southwest corner of St. Louis and Jefferson streets, and deliver the same to T. B. Holland, to be held by him in trust until such time as the required sum of $8,000 is paid to the Scott Investment Company, taking his receipt for the same."

It is admitted that a verbal notice was given of this meeting to all of the directors who could be found, and that a written notice was sent to all others; that the following is a copy of the written notice, the verbal notice being substantially the same: "Springfield, Mo., January 12, 1889 (name), you are hereby notified that there will be a called meeting of the board of directors of the Scott Investment Company at J. J. Hibler's office, at 4 o'clock p. m. this day. (Signed James Abbott, president.)" (Mr. Nichols, a director, states that he was served with the above notice forty-five minutes before the hour set for the meeting, but W. A. Knott, who served the notice, states that it was served an hour earlier.)

The meeting on January 14, 1889 (Exhibit B), is an adjournment of the meeting held on the 8th of January, and is important only as it shows that objections were made to the approval of the minutes of the meetings held on the 8th and 12th days of January; objections fully stated in Exhibit B. The record objected to in the meeting of January 8 does not appear to have been approved, and there can be found no affirmative approval of the proceedings of the meeting of January 12, 1889.

Article 8, page 4 of the by-laws of the Scott Investment Company, provides that the regular stated meeting of the board of directors shall be held on the first Tuesday of each month.

Special meetings of the board of directors shall be held on the call of the president at such times and places as may be named in the call. Notice thereof shall be served personally on each member or left at his place of abode (business).

These are the facts as I ascertained them in regard to the action of the corporation in making the deed in question. The deed was executed on January 12, 1889, and on the same day placed in the hands of T. B. Holland and a receipt for the same was given by said Holland and is now in the hands of the present secretary of the company (Exhibit F); is a true copy of the same and reads as follows: "Received of James Abbott, president of the Scott Investment Company, a warranty deed from the Scott Investment Company, made by the directors of the board of directors for a lot of ground on the southwest corner of St. Louis and Jefferson streets to the United States of America, which deed is to be delivered to the representatives of the Government when the property is finally accepted. I hereby agree to place the sum of $8,000 to the credit of the Scott Investment Company, less amount of mortgage due C. B. Holland & Son. (Signed) T. B. Holland."

The second subject for consideration is the attestation of the deed by the secretary. On this point I find that on Friday evening, January 11, 1889, F. E. Atwood, the secretary of the Scott Investment Company, started for St. Louis to be gone until the Monday following; that on the next day, being the 12th of January, the directors' meeting, as per Exhibit C, was called as heretofore stated, and that at said meeting W. A. Knott was elected secretary *pro tempore*, and on the same day attested the deed in question as secretary *pro tempore*.

Section 3 of Article 8, page 5 of the by-laws of said corporation, provides, among other things, that the secretary shall attest and affix the seal of said corporation to all deeds, conveyances, contracts, and other papers executed by said corporation, "* * * and shall give a bond in the sum of $25,000 for the faithful performance of his duties as secretary."

Article 6 of said by-laws provides that the board of directors shall adopt a seal, which shall be used by the secretary in attesting all documents executed by the company requiring a seal.

The third point mentioned is that the seal of the corporation was not affixed to the deed in question. It is admitted by all parties that the board of directors at an early meeting adopted a pocket seal as the seal of the corporation; that said seal was somewhat inconvenient, and that the secretary had an exact fac simile of it made for office use which has been subsequently used by him for all purposes; that the original seal as adopted was in the possession of the treasurer, Mr. Hubble, and that this seal was the one attached to said deed by W. A. Knott, the secretary *pro tempore*.

The fourth point is that the deed does not recite the proper consideration. The deed shows for itself; the consideration named is $1.

Exhibits A, B, and C show that the consideration required by the board was $8,000. But Exhibit E, in the nature of a receipt for the deed when placed in escrow, shows that the company was to receive from Holland when delivered the sum of $8,000, less an amount due on an outstanding mortgage.

On the fifth point, relating to the payment of the consideration for the deed, it is admitted that the Scott Investment Company has not, up to this moment, received any part of the consideration named.

The sixth and last point to be considered relates to the probability of litigation growing out of the making of the deed in question. Up to the time of the beginning of this investigation, on June 17, 1889, the board of directors of the Scott Investment Company have taken no action in regard to the matter; but while these investigations were in progress, to wit, on the 18th day of June, Exhibit E has been placed in my hands, which is a certified copy of the proceedings of the board of directors of the Scott Investment Company at a meeting held on that day, in which appears a resolution refusing to permit their said deed to remain longer in escrow, asking its return and authorizing legal steps to prevent said deed from being put on record. I am also handed a paper, marked Exhibit G, which is a declaration of intention by eleven stockholders holding 728 shares of stock in said company to institute proceedings in court to compel the return of said deed left in escrow as stated.

The foregoing, with the exhibits referred to, seem to furnish all the facts in relation to questions I have formulated from the papers sent me.

Messrs. Woolley, Porter & Hubbell, as well as the Scott Investment Company, have filed with me certain statements—counter-statements and other papers—which I forward for what they are worth. As I am concluding this report I ascertain that the Scott Investment Company have placed an additional mortgage or deed of trust on the property, a certified copy of which I send with these later papers filed.

It is painfully apparent that this question of the site for the proposed public building has become a matter of absorbing interest to the people of Springfield, and there

a great diversity of opinion and feeling among the stockholders of the Scott Investnt Company, and as well among all others on the outside.
Understanding that I have been asked to report the facts as I find them for your rther consideration, I have the honor to submit the foregoing.

Very respectfully,

E. E. KIMBALL,
United States Attorney, Western District of Missouri.

166—R.

DEPARTMENT OF JUSTICE,
Washington, June 29, 1889.

SIR: In compliance with the request contained in your letter to me of the 3d stant, inclosing certain papers relating to the proposed site for a public building Springfield, Mo., these papers were, on the 5th instant, sent to the United States torney for the western district of Missouri, with instructions to investigate the alletions therein made concerning the deed offered for the acceptance of the Governent conveying that part of the premises which is owned by the Scott Investment mpany of Springfield, Mo.
I have now the honor to transmit, for your information, the report of that officer ving the result of his investigations, dated the 20th instant, together with the pers above referred to, and also some additional papers which accompanied his port.
By said report and additional papers, it appears that such action has recently been ken by the board of directors of said company as renders it unsafe and unadvisable accept the deed hereinbefore mentioned.
Briefly stated, the case is this: Messrs. Woolley, Porter & Hubbell, of Springld, Mo., offered for sale to the Government, for $1, the whole of the property sected for said site. The title to a part thereof being in said company, and the latter fering to sell the same for $8,000, by an understanding between the company and oolley, Porter & Hubbell, a deed of the premises to the United States for the minal consideration of $1 was, on the 12th of January last, executed by the comny and placed in the hands of T. B. Holland, pursuant to a resolution of its board directors, to be delivered by him to the grantee on payment of the sum of $8,000 the company. At a special meeting of the board, held June 18, 1889, the following solution was adopted:
"Whereas, on January 12, 1889, the Scott Investment Company executed a deed to e United States of America, to a lot on the southwest corner of Jefferson street d St. Louis street, in Springfield, Mo., and placed same in hands of T. B. Holland escrow for delivery on payment of $8,000; and
Whereas over five months have elapsed and no payment has been made of any part the said purchase money: Therefore
"*Resolved*, That this company refuses to leave any longer said deed in escrow, and e secretary is hereby ordered to demand the said deed forthwith. and in case of fusal of T. B. Holland to deliver the same, that the president proceed immediately enjoin said T. B. Holland and the United States of America, and the recorder of eds of Greene County, from putting said deed on record by proper proceedings in e circuit court of Greene County, Mo."
Furthermore, on the same day (June 18, 1889), the company gave a deed of trust on the same property to secure the payment of a promissory note for $5,000, payle to the order of the Bank of Springfield in one year thereafter.
The United States being no party to the arrangement made by the company for the livery of its deed, as above, can not question its right to recall the same upon the ounds set forth in the preamble to the resolution of June 18, or upon any other ounds, nor its right further to incumber the premises.
As the matter now stands the said deed may well be regarded as inefficient for the rpose originally contemplated, and unless the company shall, by future action of s board of directors, agree to a voluntary conveyance of its property, I submit at the only way in which a valid title thereto can be acquired for the United States by the institution of proceedings to condemn it.

I am, sir, very respectfully,

W. H. H. MILLER,
Attorney-General.

The SECRETARY OF THE TREASURY.

187—R.

STATE OF MISSOURI, *County of Greene, ss:*

On this day, the 31st of July, 1889, before me personally appeared W. G. Porter, jr., of the firm of Woolley, Porter & Hubbell, and T. B. Holland, who, being duly sworn, state upon their oath that they jointly did on this day, at the office of the Scott Investment Company, in the city of Springfield, Mo., tender to the president of said company, one D. H. Nichols, and to the secretary of said company, one G. A. Ramsey, and also at the office of the manager of said Scott Investment Company to the manager thereof, one B. T. King, and to each and all of said officers of said company, the sum of $8,000 in gold coin in full satisfaction of purchase money and payment for a certain lot situated in the city of Springfield, Mo., at the southwest corner of St. Louis and Jefferson streets, sold by said Scott Investment Company to the Government of the United States: and that said D. H. Nichols, G. A. Ramsey, and B. T. King, the said named officers of said Scott Investment Company, each and all declined and refused to accept said payment of $8,000.

In witness whereof we have hereunto set our hands and seals the year and date above written.

W. G. PORTER, JR.
T. B. HOLLAND.

Subscribed and sworn to before me this the 31st day of July, A. D. 1889.
[SEAL.]
JAMES W. SILSBY,
U. S. District Court Clerk.

OFFICE OF SILSBY & BUCKLEY,
Springfield, Mo., July 31, 1889.

Hon. W. WINDOM,
Secretary of the Treasury:

DEAR SIR: Inclosed please find the affidavit of W. G. Porter, jr., of the firm of Woolley, Porter & Hubbell, and T. B. Holland, to me personally known, wherein they state that they have made a tender of $8,000 to the Scott Investment Company for the purchase of a lot on the southwest corner of St. Louis and Jefferson streets, which sum the said company refuse to accept, which fact I wired you to-day.

JAMES W. SILSBY,
U. S. District Court Clerk.

189—R.

STATE OF MISSOURI, *County of Greene, ss:*

On this the 2d day of August, 1889, before me personally appeared W. G. Porter, of the firm of Woolley, Porter & Hubbell, and T. B. Holland, who, being duly sworn, upon their oath state that at a special meeting of the board of directors of the Scott Investment Company, held for the purpose of accepting or rejecting purchase money of a lot situated at the southwest corner of St. Louis and Jefferson streets, in the city of Springfield, Mo., conveyed by said company to the Government of the United States, they tendered to the said board of directors of said Scott Investment Company $8,000 in gold coin, in compliance with the terms of said sale, and that said tender was rejected by a tie vote, four directors voting for and four against accepting said offer.

W. G. PORTER, JR.
T. B. HOLLAND.

Sworn to before me and subscribed in my presence this the 2d day of August, 1889.
[SEAL.]
JAMES W. SILSBY,
Clerk of the U. S. District Court.

THE SCOTT INVESTMENT COMPANY,
Springfield, Mo., August 1, 1889.

Mr. B. T. KING, *city:*

You are hereby notified that there will be a special meeting of the board of directors of the Scott Investment Company at the office of the secretary, in the Ozark hotel, for the purpose of considering the question of accepting or rejecting the tender

of $8,000 by T. B. Holland for the lot belonging to the company on southwest corner of Jefferson and St. Louis streets, at 3 p. m. August 2, 1889.

D. H. NICHOLS,
President of the Scott Investment Company.

Attest:
G. A. RAMSEY,
Secretary.

STATE OF MISSOURI, *County of Greene, ss:*

On this the 2d day of August, before me personally appeared B. T. King, J. J. Hibler, Seth Tuttle, and S. H. Horine, who, being duly sworn, state upon oath that they are directors of the Scott Investment Company, of Springfield, Mo., the board of directors of said company being composed of nine members; that at a special meeting of the said board of directors of said company, held on this day, in compliance with a call of the president and secretary, one of which is hereto attached, there were present the president and secretary of said company and six other directors; that at said meeting W. G. Porter, jr., of the firm of Woolley, Porter & Hubbell, and T. B. Holland offered and tendered to the said board of directors of said Scott Investment Company $8,000 in gold coin of the United States in payment for a lot situated on the southwest corner of St. Louis and Jefferson streets, a deed to which has heretofore been made and is now in the possession of the officials of the Treasury Department at Washington.

A motion to accept the tender so made was offered by J. J. Hibler, and was rejected by the following vote:

Aye: Hibler, Horine, King, Tuttle.

Nay: Nichols, Ramsey, Crutcher, Atwood.

In witness whereof we have herewith affixed our hands and seals the year and day above written.

S. H. HORINE.
SETH TUTTLE.
J. J. HIBLER.
B. T. KING.

Sworn to before me and subscribed in my presence this the 2d day of August, 1889.
[SEAL.]
JAMES W. SILSBY,
Clerk of the United States District Court.

OFFICE OF SILSBY & BUCKLEY,
Springfield, Mo., August 2, 1889.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.:

SIR: Inclosed find affidavits of directors of Scott Investment Company, together with others, relating to lot recently sold by said company to United States Government, as stated in my telegram of to-day.

Yours, truly,

JAS. W. SILSBY,
United States District Court Clerk.

45—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 26, 1889.

Hon. W. H. H. MILLER,
Attorney-General, Department of Justice, Washington, D. C.

SIR: I have the honor to request your attention to the following:

Department letter, dated June 3, 1889, addressed to you, in regard to matters pertaining to the property selected as a site for the proposed public building at Springfield, Mo. (copy inclosed).

Your letter dated June 29, 1889, addressed to this Department, with inclosures (inclosed herewith), expressing the opinion that, in view of the status of the case, the deed in escrow from the Scott Investment Company (the owners of one of the three parcels of land embraced in the proposal of Messrs. Woolley, Porter & Hubbell, accepted January 10, 1889,) is sufficient to pass a good and valid title to the United

States, and that unless the Scott Investment Company voluntarily consent to give a duly executed deed to said parcel of land, title to the property selected as said site can only be acquired by condemnation.

Letter dated July 25, 1889, addressed to the Secretary of the Treasury by Geo. A. C. Woolley (of the firm of Woolley, Porter & Hubbell, above referred to) and G. P. Peale, proposing, in brief, that in the event of proceedings in condemnation being instituted against the property selected as a site for said building in order to acquire title thereto, they will defray all costs of, and satisfy all decrees in, such proceedings (original inclosed herewith).

Telegram dated July 23, 1889, addressed to Geo. A. C. Woolley by Geo. W. McCrary, as follows: "The Government can take bond of citizens to reimburse or indemnify it whether site is condemned or not." (Original inclosed herewith.)

Act of Congress approved March 29, 1888, Statutes at Large, volume 25, page 46, authorizing the purchase of a site and the erection of a public building at Springfield, Mo., and October 2, 1888, Statutes at Large, volume 25, page 507, making part appropriation therefor.

Before taking action conformable to the opinion expressed in your letter of June 29, 1889, above referred to, and as it may not be possible to obtain a deed to the parcel of land owned by the Scott Investment Company, thus necessitating proceedings in condemnation against the property selected for said site or the selection of other property for said purpose, and in view of the proposition made by Messrs. Woolley and Peale, also referred to in a bond among the papers inclosed in your letter of June 29, 1889, I have the honor to request your opinion on the following questions:

If proceedings in condemnation are instituted against the property referred to can the cost and decrees resulting therefrom, under the law, be paid and satisfied by Messrs. Woolley, Porter & Hubbell or by Mr. Geo. A. C. Woolley and Mr. Geo. P. Peale, or by other citizens of Springfield, Mo., or must such costs and decrees be paid and satisfied out of the appropriation made by the acts of Congress approved March 29 and October 2, 1888, by drafts issued upon duly certified and receipted vouchers?

As the Department particularly desires to take speedy and proper action in this case I have the honor to also request that you will transmit your opinion on the question herein presented as soon as possible and that you will therewith return all of the papers herewith inclosed.

Respectfully yours,

W. WINDOM,
Secretary.

185—R.

DEPARTMENT OF JUSTICE, *Washington, July* 30, 1889.

SIR: I return herewith the papers which accompanied your letter of the 26th instant, relating to certain property in Springfied, Mo., selected for the site of a public building; and in answer to the question proposed by you, viz, "If proceedings in condemnation are instituted against the property referred to, can the costs and decrees resulting therefrom, under the law, be paid and satisfied by Messrs Wooley, Porter & Hubbell, or by Mr. George A. C. Wooley and G. P. Peale, or by other citizens of Springfield, Mo., or must such costs and decrees be paid and satisfied out of the appropriation made by the acts of Congress approved March 29 and October 2, 1888, by drafts issued upon duly certified and receipted vouchers?" I have the honor to state that no legal objection is perceived by me to the payment by the persons named, or by other citizens of Springfield, of the costs and damages which may accrue and be awarded in proceedings instituted for the condemnation of said property to the use of the United States, and I am of the opinion that such payment can lawfully be made and title to the property thus acquired for the Government.

I am, sir, very respectfully,

W. H. H. MILLER,
Attorney-General.

The SECRETARY OF THE TREASURY.

47—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 6, 1889.

Hon. W. H. H. MILLER,
Attorney-General, Department of Justice, Washington, D. C.:

SIR: Referring to Department letter addressed to you on the 26th ultimo, and to your letter of the 30th ultimo in reply thereto, holding that there is no legal objection to Messrs. Wooley, Porter & Hubbell paying the costs and damages which may accrue and be awarded in proceedings instituted in condemnation of the property selected as a site for the proposed public building in Springfield, Mo., and to Department letter this day addressed to you requesting that you give such instructions as may be necessary to the United States attorney for the western district of Missouri to institute such proceedings against said property, I have the honor to inclose copy of letter this day addressed to said firm, advising them of your opinion and to request you to give such instructions to said United States attorney as may be necessary to have him require said firm to pay the costs and damages which may accrue and be awarded in the proceedings in condemnation against said property.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

46—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 6, 1889.

Mr. W. H. H. MILLER,
Attorney-General, Department of Justice, Washington, D. C.:

SIR: Referring to Department letter addressed to you June 3, 1889, in regard to matters pertaining to case of site selected for the proposed public building in Springfield, Mo., and to your letter of the 29th ultimo, rendering the opinion that in view of the status of the case the deed from the Scott Investment Company of the parcel of land owned by them, being a part of the property selected for the purpose named is insufficient to pass a good and valid title to the United States, and that unless said company voluntarily consent to execute a satisfactory deed, etc., the only way in which title to the property referred to can be acquired would be by condemnation; and as it appears from the affidavits inclosed in letters of the 31st ultimo and 2d instant addressed to this Department by Mr. James W. Silsby, clerk of the United States district court, that said company has refused to execute such a deed, and as the Department has decided to select the property situated at the southwest corner of St. Louis and Jefferson streets having a frontage of 145 feet on St. Louis and 100 feet on Jefferson street, for the purpose hereinbefore specified and to acquire title thereto by condemnation, I have the honor to request you to give such instructions to the United States attorney for the western district of Missouri as may be necessary to institute proceedings in condemnation against the said property, and to advise this Department of the result thereof.

In this connection, and for your further information on the subject, I have the honor to inclose copies of the following papers: Department letter of this date, addressed to Messrs. Woolley, Porter & Hubbell, canceling Department letter dated January 10, 1889, which accepted their proposal for the sale of said property to the United States.

Letter dated July 31, 1889, addressed to this Department by James W. Silsby, inclosing affidavit of W. G. Porter, jr., and T. B. Holland.

Letter dated August 2, 1889, addressed to this Department by James W. Silsby, inclosing affidavit of W. G. Porter, jr., and T. B. Holland; notice dated August 1, of special meeting of the board of directors of the Scott Investment Company; and affidavit of S. H. Horine, Seth Tuttle, J. J. Hibler, and B. T. King.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

49—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 6, 1889.

Messrs. WOOLEY, PORTER & HUBBELL,
Springfield, Mo.:

GENTLEMEN: In view of the opinion rendered by the honorable the Attorney-General, under date of June 29, 1889, in accordance with law, holding that, in view of the status of the case, the deed of the parcel of land owned by the Scott Investment Company, being a part of the property selected as a site for the proposed public building in Springfield, Mo., is insufficient to pass a good and valid title to the United States, and that unless said company voluntarily consent to execute a satisfactory deed and to release said parcel of land from all incumbrances the only way in which title to the property referred to can be acquired would be by condemnation; and as it appears from the affidavits inclosed in letters of the 31st ultimo and 2d instant, addressed to this Department by Mr. James W. Silsby, clerk of the United States district court, that said company have refused to voluntarily execute such deed, Department letter, dated January 10, 1889, accepting your proposal for the sale to the United States of the property situate at the southwest corner of St. Louis and Jefferson streets, having a frontage of 145 feet on St. Louis and 100 feet on Jefferson street, for the purpose hereinbefore specified, is hereby canceled and all obligations thereunder are hereby annulled and released.

In this connection I have to inform you that the Department has decided to acquire title to the property above described by condemnation, and has this day requested the honorable the Attorney-General to give such instructions to the United States attorney for the western district of Missouri as may be necessary to institute proceedings in condemnation against said property, and to advise this Department of the result thereof.

Please acknowledge the receipt of this letter.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

50—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 6, 1889.

Messrs. WOOLLEY, PORTER & HUBBELL,
Springfield, Mo.:

GENTLEMEN: Referring to Department letter of this date advising you of the action taken by this Department in regard to acquiring title to the property selected as a site for the proposed public building in Springfield, Mo., by condemnation, and in reply to a letter of the 25th ultimo, addressed to this Department by Mr. George A. C. Woolley, of your firm, and Mr. G. P. Peale, I have to advise you that there is no legal objection to your paying the costs and damages which may accrue and be awarded in the proceedings instituted for the condemnation of said property which you have proposed to do. The honorable the Attorney General has this day been requested to give such instructions to the United States attorney for the western district of Missouri as may be necessary to have you pay such costs and damages in said proceedings in condemnation.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

51—S.

[Telegram.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 6, 1889.

B. H. NICHOLS,
President, Scott Investment Company, Springfield, Mo.:

Telegram 5th instant received. Department of Justice has been requested to institute proceedings in condemnation against property selected as site for public building.

GEO. S. BATCHELLER,
Acting Secretary.

48—S.

TREASURY DEPARTMENT, OFFICE OF SUPERVISING ARCHITECT,
Washington, D. C., August 6, 1889.

Hon. W. N. WADE,
Springfield, Mo.:

SIR: Referring to your several conversations at this office in regard to the matter of site for the proposed public building in Springfield, Mo., I have the honor to advise you that in view of the opinion rendered by the honorable the Attorney-General under date of June 29, 1889, holding that the deed from the Scott Investment Company was insufficient to pass a good and valid title to the United States, and that unless said company voluntarily consent to execute a satisfactory deed, etc., the only way in which title to the property could be acquired would be by proceedings in condemnation, and as certain evidence has been received at this Department of the refusal of said company to execute said deed, the Department has requested the honorable the Attorney-General to give such instructions to the United States attorney for the western district of Missouri as may be necessary to institute such proceedings against said property.

In this connection, and for your further information on the subject, I inclose copies of two letters this day addressed by the honorable the Acting Secretary of the Treasury to Messrs. Woolley, Porter & Hubbell, in regard to the subject, which explain themselves.

I regret that owing to the peculiar circumstances which the case has presented, it has been impossible to furnish you with an intelligent statement in regard thereto until now, and I have to assure you that the case has received prompt, proper, and constant attention, and has been adjusted in the manner explained at this first opportunity.

Respectfully yours,

JAS. H. WINDRIM,
Supervising Architect.

52—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 6, 1889.

Hon. GEORGE W. MCCRARY,
(Care Pratt, McCrary, Ferry & Hagerman,)
Thayer Building, Ninth and Broadway, Kansas City, Mo.:

SIR: I have the honor to acknowledge the receipt of your letter of the 18th ultimo, addressed to Hon. George C. Tichenor, Assistant Secretary of the Treasury, in regard to the matter of site for the proposed public building at Springfield, Mo.

Owing to peculiar circumstances which have arisen in connection with the subject, the final adjustment of the question has been unavoidably delayed until to-day, but the case has received constant and all proper attention.

The Department has this day requested the honorable the Attorney-General to give such instructions as may be necessary to institute proceedings in condemnation against said property, and to have Messrs. Woolley, Porter & Hubbell pay the cost and damages which may accrue and be awarded in said proceedings.

In this connection, and for your further information, I inclose copies of two letters this day addressed by the honorable Acting Secretary of the Treasury to said firm, which explain themselves.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

56—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 5, 1889.

Hon. W. H. H. MILLER,
United States Attorney-General,
Department of Justice, Washington, D. C.:

SIR: Referring to Department letter of the 6th ultimo, requesting you to give such instructions to the United States attorney for the western district of Missouri as may be necessary to have him institute proceedings in condemnation against certain

property, situated at the southwest corner of St. Louis and Jefferson streets, for site for the proposed public building in Springfield, Mo., in order that the United Stat may acquire title thereto, I have now the honor to request that you will immediate telegraph such instructions to said United States attorney as may be necessary have said proceedings in condemnation suspended until further advices.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

57—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 6, 1889.

HON. R. C. KERENS,
(Care Hon. S. B. Elkins),
No. 1 *Broadway, New York*:

SIR: I have the honor to acknowledge the receipt of your letter of the 4th insta inclosing letters addressed to this Department by Mr. A. W. Olley, president of t Merchants' Exchange of Springfield, Mo., and a numerously signed petition, address to the Department, dated the 8th ultimo, in regard to the matter of site for the pr posed public building at Springfield, Mo.

In view of the statements and requests therein contained, in connection with oth papers in the case, the Department after further consideration, on the 5th instan requested the honorable the attorney-general to telegraph such instructions may be necessary to have the United States attorney for the western district Missouri secure the suspension of proceedings in condemnation against certain pro erty situated at the corner of St. Louis and Jefferson streets for said purpose, unt further advices.

In reply to the last portion of your letter, I have to state that I shall be abse from the Department for about two weeks from to-morrow, but the Secretary of t Treasury will probably afford you and others opposed to the St. Louis and Jefferso streets site proper opportunity to make any further statements which may be desire any morning after Wednesday of next week.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

59—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 6, 1889.

Messrs. WOOLLEY, PORTER & HUBBELL,
Springfield, Mo.:

GENTLEMEN: Referring to Department letters addressed to you on the 6th ultim in regard to matters pertaining to proceedings in condemnation against the land si uated at the corner of St. Louis and Jefferson streets in your city, I have now to a vise you that, after further consideration of the case, the Department, on the 5th i stant, requested the honorable the Attorney-General to immediately telegraph suc instructions to the United States attorney for the western district of Missouri as ma be necessary to have him secure the suspension of said proceedings until further a vised.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

58—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 6, 1889.

Hon. W. N. WADE,
Springfield, Mo.:

SIR: Referring to Department letter addressed to you on the 6th ultimo in rega to matters pertaining to proceedings in condemnation against the land situated the corner of St. Louis and Jefferson streets in your city, I have now to advise y

that, after further consideration of the case, the Department, on the 5th instant, requested the honorable the Attorney-General to immediately telegraph such instructions to the United States attorney for the western district of Missouri as may be necessary to have him secure the suspension of said proceedings until further advised.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

60—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 9, 1889.

Mr. A. W. OLLIS,
President Merchants' Exchange, Springfield, Mo.:

SIR: I have to acknowledge the receipt of your letter of the 3d instant in regard to the site for the proposed new public building, and referring to Department letter addressed to you on the 29th ultimo, I have now to advise you that under date of the 5th instant the Department requested the honorable the Attorney-General to immediately telegraph such instructions to the United States attorney for the western district of Missouri as may be necessary to secure the suspension of proceedings in condemnation against certain property situated at the southwest corner of St. Louis and Jefferson streets for said purpose until further advices.

Respectfully yours,

W. WINDOM,
Secretary.

61—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 17, 1889.

Mr. S. H. BOYD,
Springfield, Mo.:

SIR: I have to acknowledge the receipt of your letter and telegram of the 9th instant, and to state the Department is reconsidering the matter of location of site for the proposed public building at Springfield, Mo.

Respectfully yours,

W. WINDOM,
Secretary.

63—S.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washington, September 23, 1889.

Hon. R. C. KERENS, *St. Louis, Mo.*

SIR: Referring to your recent conference with the Secretary and the Supervising Architect, and as requested by them, I have the honor to advise you that the Supervising Architect will be in Springfield, Mo., on the 1st proximo, for the purpose of making an inspection of several properties offered as a site for the proposed public building in that city.

Please acknowledge the receipt of this letter.

Respectfully yours,

H. C. MCLEAN,
Acting Supervising Architect.

66—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 27, 1889.

Mr. ST. JULIEN B. DAPRAY,
Chief, Law and Contract Division,
Office Supervising Architect, Treasury Department:

SIR: You are hereby directed to accompany Mr. James H. Windrim, Supervising Architect, to Springfield, Mo., for the purpose of rendering him such service as he may require in the matter of examining the various properties which have heretofore been offered as a site for the proposed public building in that city; and also to accompany him to such other places as he may visit, either in going to or returning from Springfield, in connection with the work being done on public buildings, for the purpose of rendering him such assistance as he may desire.

Your actual traveling expenses in complying with the instructions herein contained will be paid by the Government from appropriations under the control of this Department.

Respectfully yours,

W. WINDOM,
Secretary.

203—R.

[Woolley, Porter & Hubbell, insurance, real estate, loan, and bond brokers.]

SPRINGFIELD, MO., *October* 1, 1889.

Hon. JAMES H. WINDRIM,
Supervising Architect:

DEAR SIR: A committee of business men and citizens will do themselves the honor of calling upon you about 9 o'clock this morning. Will it be convenient for you to receive us?

Yours, truly,

L. W. HUBBELL.

70—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 16, 1889.

Hon. W. H. H. MILLER,
Attorney-General, Department of Justice, Washington, D. C.:

SIR: Referring to Department letter of September 5, 1889, requesting you to give such instructions to the United States attorney for the western district of Missouri as may be necessary to have him take the necessary action to secure the suspension of the proceedings in condemnation against certain property situated at the southwest corner of St. Louis and Jefferson streets for the site for the proposed public building in Springfield, Mo., the institution of which proceedings was requested by Department letter of August 6, 1889, I have now the honor to request that you will immediately telegraph such instructions to said United States attorney as may be necessary to have said proceedings in condemnation abandoned, the Department having decided to purchase other property for said purpose.

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

71—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November, 16, 1889

Messrs. WOOLLEY, PORTER & HUBBELL,
Springfield, Mo.:

GENTLEMEN: Referring to Department letters (2) addressed to you August 6 1889, in regard to the proceedings in condemnation against certain property situated at the southwest corner of St. Louis and Jefferson streets as a site for the proposed

Federal building in Springfield, Mo., I have to advise you that the Department has this day requested the Attorney-General to give such instructions to the United States attorney for the western district of Missouri as may be necessary to have him take necessary action to secure the abandonment of said proceedings, which were suspended conformably to a request made in Department letter of September 5, 1889, addressed to the honorable the Attorney-General, of which you were duly advised September 6, 1889.

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

359—R.

SPRINGFIELD MERCHANTS' EXCHANGE,
Springfield, Mo., April 7, 1890.

Hon. J. H. WINDRIM,
Supervising Architect, Washington, D. C.:

DEAR SIR: Our secretary of the Merchants' Exchange thought possibly a sworn statement of your acts and doings in this city, as viewed by the people, might be serviceable, and we hand one herewith. Of the persons signing, Mr. E. T. Robberson is one of our wealthiest citizens, a prominent stockholder in the Exchange Bank; Mr. J. F. G. Bentley is president of the Bank of Springfield; Mr. R. L. McElhany is cashier of the First National Bank; A. Demuth is county clerk; Charles H. Goffe is an old resident and a large real estate owner; G. A. Ramsey is prominently identified with several of our corporations; T. E. Burlingame is councilman and president of the Bank of Commerce; E. D. Parce is city treasurer and mayor-elect; Paul Roulet is a large holder of real estate; L. T. Hunt is secretary of the Merchants' Exchange; Joseph Wills is a well-to-do builder; John McGregoe, wealthy citizen, president of the Springfield Hardware Company.

Very truly,

A. W. OLLIS.

MR. DAPRAY:

I regret the within affidavit has an erasure. Should it be returned, or one requested without any imperfection?

J. H. W.

APRIL 10, 1890.

SPRINGFIELD, Mo., *April* 3, 1890.

STATE OF MISSOURI, *Greene County, ss:*

We, the undersigned, citizens of Springfield, Mo., having read in the St. Louis daily papers, particularly the Republic of Saturday and Sunday, March 29 and 30, the reports from Washington, D. C., of the testimony given by G. A. C. Woolley and A. J. Minard before the Senate committee charged with the investigation of the selection of a site for the United States Government building in this city, make the following as a true statement of the facts relating to the visit of Mr. J. H. Windrim, Supervising Architect of the United States Treasury Department, to this city on the 2d day of October, 1889, for the purpose of making a personal inspection of the various sites offered for such public building, and a final selection for the same. During the month of September last it became generally known in Springfield that the Supervising Architect, Mr. Windrim, would make a visit to this city early in October, and immediately thereafter the said Woolley, Minard, and others favorable to the St. Louis and Jefferson street site, made preparations in anticipation of such visit by employing a force of men for days to clear the said site on St. Louis and Jefferson streets, known as the "Fister site," of the old shoes, tin cans, and rubbish that had accumulated thereon. They also caused to be erected on the public square additional electric lights for use on that particular occasion.

On the morning of October 1, the postmaster of Springfield, Mr. Pipkin, received a dispatch from Mr. Windrim advising him of his intended visit the following day, and asked to have the notice thereof given in the Springfield papers so that all persons interested in the matters pertaining to the site for the public building might be fully advised, which was accordingly done, and the citizens of Springfield generally read the notice in the city morning papers of October 2 that Mr. Windrim would be in the city the morning of that day to inspect the sites offered for the United States Government building.

He arrived about 6 o'clock a. m. by the regular train from St. Louis over the 'Frisco road, and at about the hour of 8 a. m. a committee of citizens waited on him with carriages, and he was driven directly to the Fister site, corner of St. Louis and Jefferson streets, and some time was spent in looking it over and viewing its surroundings, after which Mr. Windrim was shown the southeast, south, and southwest portions of the city, the Gulf Railroad shops, and all parts of the south portion of the city to the city limits, and thence to the public square and north on Boonville street to the Perkins Opera-House and City Hall, near Center street, and also the site for the present jail and criminal court room on the north of Center street. At that point an invitation was presented to Mr. Windrim inviting him to attend a public meeting of the citizens to be held after dinner in a hall used by the Chamber of Commerce, over the Holland Bank on the corner of the square and St. Louis street, which was accepted by him, and the drive was then continued through the northern portion of the city to the limits on the north, also to Dolings Park, and return, to Commercial street.

Immediately after dinner the advocates of the Fister site, on St. Louis and Jefferson streets, took Mr. Windrim to ride around the city, and about 2 o'clock p. m. came with him to the hall where the public meeting was to be held, when it was found that the street entrance to the hall had been closed and no one admitted except by a private way through the bank, where not many but the friends of the Fister site were allowed to enter, and the general public was entirely excludd, although hundreds of people were waiting the opening of the door.

Finding this state of things to exist, Mr. Windrim declined to go into the hall, and inquired if there was a room where all could be admitted. The Perkins Opera-House was at once offered, and the people immediately proceeded to that place. After some parleying on the part of the friends of the St. Louis street site, they drove Mr. Windrim to the Opera-House, and the meeting was held there, all persons desiring being freely admitted. Mr. J. W. Powers, president of the Central National Bank and of the Chamber of Commerce, took the chair and called the meeting to order. Col. J. C. Cravens spoke in favor of the site corner of St. Louis and Jefferson streets, and was answered by Col. S. H. Boyd in favor of a central location. Hon. W. H. Wade stated that he had got the appropriation for the building through Congress and there he thought his connection with the matter ended, as he did not wish to take part in the question of location. He urged harmonious action by the citizens. A resolution was then offered, and passed nearly unanimously, that the people would cheerfully abide by any choice Mr. Windrim should make.

Mr. G. P. Peale then spoke for the St. Louis street site, and Mr. G. A. Ramsey for a central site. At the request of Mr. Windrim, the chairman put the question as to the choice of the meeting on the St. Louis street site, and but one-fourth to one third voted in favor of that site. The question was then presented for a northern site, which was changed to a central site, and the vote was largely in favor of a central site. The meeting then adjourned, and Mr. Windrim was again taken by friends of the Fister site to another ride around the city until evening. After supper a reception was held by Mr. Windrim in the rotunda of the Ozark Hotel, where many of the business men of the city called to pay their respects and express any views they had on matters pertaining to his visit among them. He left the city shortly before 10 o'clock p. m. by the regular train for St. Louis, having spent the entire day in the city, devoting every hour to the business that brought him here, and any statement to the contrary, by whomsoever made, is both willfully and wickedly false, and has no foundation of fact to rest upon.

We further say that the site selected by Mr. Windrim on Boonville street, and now owned by the Government, is convenient for all parts of the city and entirely satisfactory to an overwhelming majority of its citizens, and is worth the full price, $20,000, and more, that has been paid for it.

E. T. ROBBERSON.	A. W. OLLIS.
J. F. G. BENTLEY.	E. D. PARCE.
R. L. MCELLHANY.	PAUL ROULET.
A. DEMUTH.	L. T. HUNT.
CHAS. H. GOFFE.	JOSEPH WILLS.
G. A. RAMSEY.	JOHN MCGREGOR.
T. E. BURLINGAME.	

Subscribed and sworn to before me by E. T. Robberson, J. F. G. Bentley, R. L. McEllhany, A. Demuth, Charles H. Goffe, G. A. Ramsey, T. E. Burlingame, A. W. Ollis, E. D. Parce, Paul Roulet, L. T. Hunt, Joseph Wills, and John McGregor this 5th day of April, A. D. 1890.

[SEAL.]

RICHARD A. OLLIS,
Notary Public in and for Greene County, Mo.

My notarial commission will expire April 17, 1892.

SPRINGFIELD, MO., *April* 15, 1890.

Hon. J. H. WINDRIM,
Supervising Architect, Washington, D. C.:

DEAR SIR: Please find herewith a supplementary affidavit to go with affidavit sent you April 5.

Very truly,

A. W. OLLIS.

SPRINGFIELD, MO., *April* 15, 1890.

STATE OF MISSOURI, *Greene County, ss:*

Referring to the matter of affidavit made by us on or about April 3, 1890, relating to circumstances connected with the visit of Hon. J. H. Windrim to the city of Springfield in connection with the public building site, we desire to state further that said visit was made on the 1st day of October, 1889, instead of the 2d day of October. Also, that the erasure of the word "none" in said affidavit and substitution of the words "not many," in ink, after the form had been printed on the type-writer, was to allow for the possibility that some persons not known to be in favor of the Fister site may have been admitted into the Chamber of Commerce rooms on that occasion. It seemed plain, however, that there was a determination to exclude persons who opposed the Fister site and favored a more central location. And further, that the words "that not over 20 per cent. of the business is done in the east part of the south portion of the city" were cut out as being an incomplete expression and possibly misleading in effect.

A. W. OLLIS.	G. A. RAMSEY.
L. T. HUNT.	PAUL ROULET.
T. E. BURLINGAME.	J. F. G. BENTLEY.
E. D. PARCE.	JOHN MCGREGOR.
CHAS. H. GOFFE.	R. L. MCELHANY.
E. T. ROBBERSON.	A. DEMUTH.
JOSEPH WILLS.	

Subscribed and sworn to before me this 15th day of April, 1890.

[SEAL.] RICH'D A. OLLIS,
Notary Public.

My notarial commission will expire April 17, 1892.

346—R.

RAMSEY & OTTERSON, REAL ESTATE BROKERS,
Station A, Springfield, Mo., March 31, 1890.

Hon. J. H. WINDRIM,
Supervising Architect, Washington, D. C.:

DEAR SIR: I see by the Associated Press dispatches published in the St. Louis Republic that A. J. Minard and G. A. C. Woolley have been before the committee appointed to investigate the question of location of the public building in Springfield. If they make the statements imputed to them in the report they should both be prosecuted for perjury.

If you desire any evidence let us know what you want.

The people here with the exception of perhaps twenty men are thoroughly satisfied with the selection that you made and we wish to assure you that we are not in sympathy with the methods of these disgruntled few.

Please let us know if there is any evidence you want.

Yours, very truly,

G. A. RAMSEY.

356—R.

BANK OF SPRINGFIELD,
Springfield, Mo., April 4, 1890.

Hon. J. H. WINDRIM,
Supervising Architect, Washington, D. C.:

DEAR SIR: Yours of March 31, containing clipping from Washington Post, is received.

The villainy of those liars is certainly without parallel. The city of Springfield is

ashamed of them. I take pleasure in making the affidavit which is inclosed, and if we could do you any good, one hundred would come to Washington at our own expense to testify to the fact that Minard, Woolley and company are liars.

Your friend,

J. F. G. BENTLEY.

355—R.

ST. LOUIS, *April* 8, 1890.

Hon. JAS. H. WINDRIM,
Supervising Architect Treasury, Washington, D. C.:

MY DEAR SIR: Mr. Hobart and myself have just returned from California, and upon our arrival here were astonished to find to what depths of infamy the opposition at Springfield had gone to defame yourself and us in the matter of the public building there.

The man Minard, who it is asserted made these false statements, is a man of bad character, and enough can be proven against him to impeach anything he might say.

Inclosed is an affidavit of Mr. Hobart and myself, which you are at liberty to use, or place on file with the committee, or elsewhere as you deem best. As wired you yesterday, we will have Mr. Bentley, and many others give their testimony if it is desired.

What an infamous set of scoundrels these disreputable Democrats are!—Trying to turn right into wrong—What a set of liars!

Yours very truly,

R. C. KERENS.

255—R.

Hon. WM. WINDOM,
Secretary Treasury:

We the undersigned owners of the real estate hereinafter described agree to sell the same to the United States for the sum of $100 per front foot on Boonville street for a public building site, said real estate being in Greene County in the State of Missouri, and described as follows, to wit: Commencing at the Southwest corner of a lot fronting on Boonville and Brower streets in the city of Springfield, thence north 200 feet, east about 130 feet, to an alley, south along west side of said alley 200 feet to Brower street, thence west about 121 feet to point of beginning, buildings reserved.

Witness our hands and seals this 3d day of October, 1889.

JOHN FOLEY, [SEAL.]
CHARLES PERKINS. [SEAL.]
W. W. WHALEY. [SEAL.]

73—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 16, 1889.

Messrs. JOHN FOLEY, CHARLES PERKINS, and W. W. WHALEY,
Springfield, Mo.:

GENTLEMEN: Your proposal in writing bearing date October 3, 1889, submitted to this Department, for the sale to the United States of the property situate as follows: "Commencing at the southwest corner of a lot fronting on Boonville and Brower streets in the city of Springfield, thence north 200 feet, east 130 feet to an alley, south along west side of said alley 200 feet to Brower street; thence west 121 feet to point of beginning, buildings reserved," as a site for the proposed public building authorized by acts of Congress approved March 29, 1888, and October 2, 1888, to be erected in Springfield, Mo., for the sum of $100 per front foot on Boonville street, aggregating $20,000 is received, and I have now to advise you that the Department has decided to purchase said premises and to hereby notify you of the acceptance of your proposal upon condition that you will give a good and valid title to said property within a reasonable time, and that all costs incident to furnishing evidence of title to and deeds of conveyance of said property to the United States shall be paid by you in accordance with the provisions of a clause contained in the "sundry civil" act of Congress, approved March 2, 1889, relating thereto.

The Attorney-General has this day been requested to instruct the United States attorney for the western district of Missouri to secure the necessary evidence of title

and deeds of conveyance to the United States, and when said papers shall have been received to transmit them to this Department, with his written opinion as to the validity of title, as required by law, at which time payment of the purchase-money will be promptly made.

Please immediately acknowledge the receipt of this letter.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

74—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 16, 1889.

Hon. W. H. H. MILLER,
Attorney-General, Department of Justice, Washington, D. C.:

SIR: I have the honor to advise you that in accordance with the provisions of acts of Congress approved March 29, 1888 and October 2, 1888, this Department has decided to purchase certain land as a site for the proposed public building authorized to be erected in Springfield, Mo., which property is situated as follows: "Commencing at the southwest corner of a lot fronting on Boonville and Brower street, in the city of Springfield; thence north 200 feet, east 130 feet to an alley, south along west side of said alley 200 feet to Brower street; thence west 121 feet to point of beginning, buildings reserved."

This property is offered for sale by Messrs. John Foley, Charles Perkins, and W. W. Whaley for $100 per front foot on Boonville street, aggregating $20,000; a copy of their proposal, bearing date October 3, 1889, and a copy of Department letter of acceptance of the same, of this date, are herewith inclosed.

I have the honor to request you to instruct the United States attorney for the western district of Missouri to secure the necessary evidence of title and deeds of conveyance to the United States, all costs connected therewith to be paid by the venders; and when said papers shall have been received by you, to transmit them to this Department with your written opinion as to the validity of title.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

75—R.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 18, 1889.

Hon. W. N. WADE,
House of Representatives, Washington, D. C.:

SIR: Referring to Department letters addressed to you August 6 and September 6, 1889, and to your several visits and conversations at this Department in regard to the matter for site for the proposed public building at Springfield, Mo., I have the honor to advise you that, after a careful consideration of the whole record of the case, and of arguments and statements made in regard thereto, and "the interest and convenience of the public as well as the best interests of the Government," the Department, on the 16th instant, decided to abandon the proceedings in condemnation against certain property situate at the corner of St. Louis and Jefferson streets as a site for the proposed public building in Springfield, Mo., and to select certain property situate at the corner of Boonville and Brower streets for said purpose.

The papers necessary to carry said decision into effect, in regard to abandoning the said proceedings in condemnation against the property at the corner of St. Louis and Jefferson streets, and making a contract for the purchase of the property at the corner of Boonville and Brower streets, as a site for said building, were prepared and forwarded to the proper parties on the 16th instant.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

367- R.

DEPARTMENT OF JUSTICE,
Washington, February 4, 1890.

SIR: I herewith transmit an abstract of title and other papers relating to certain land situated in Springfield, Mo., which has been selected for the site of a public building authorized to be built in that place, and is described in your letter to me of the 16th of November last.

These papers were recently forwarded to this Department by the United States attorney for the western district of Missouri, pursuant to instructions given him agreeably to the request made in said letter, accompanied by a report which will be found therewith.

Among the papers are the following instruments:

(1) A deed of John Foley and wife to the United States, dated November 29, 1889, which is offered for the acceptance of the Government. This deed grants a part of the premises selected as above—fronting 100 feet on Booneville street and extending back to Fulton alley—and it will, in my opinion, convey a valid title to such part upon the delivery to said Foley (as proposed) of a certain other deed executed by S. A. Foley and E. G. Hudson and wife, dated October 10, 1889, which is now in escrow and of which a copy is herewith, and also upon the release of a certain deed of trust made by F. R. Massey and Charles A. McCann, dated March 7, 1887, and cancellation of the notes secured thereby (as proposed) by said S. A. Foley and Ira Davenport, and furthermore, upon payment of the taxes standing against the property, reported to amount to $55.

(2) A copy of a deed from Charles Perkins to the United States, dated November 29, 1889, which is in escrow. This deed grants another part of the premises adjoining the above on the north, fronting 47 feet on Booneville street and extending back to Fulton alley. On delivery of the original deed it will, in my opinion, convey a valid title to the property thereby granted, the taxes assessed thereon, which are reported to amount to $33, being first discharged.

(3) A copy of a deed from Mary L. Whaley and husband to the United States, dated November 29, 1889, which is also in escrow. This deed grants the remainder of the premises, being the north part thereof, fronting 53 feet on Boonville street and extending back to Fulton alley. The taxes standing against this part are reported to amount to $81.92; upon payment of which, and on delivery of said deed, I am of opinion that the latter will convey a valid title to the property thereby granted.

(4) A quitclaim deed of the said Charles Perkins, Mary L. Whaley and husband, and John Foley and wife to the United States, dated December 10, 1889. This deed covers the whole of the premises, and is intended to avoid any confusion respecting boundaries as regards the pieces of land granted by deeds 1, 2, and 3, above.

(5) Also an unrecorded quitclaim deed of Sarah Waddell and others, widow and heirs of John S. Waddell, deceased, to the said John Foley, dated November 22, 1889, which covers the whole of the premises. This deed should be put on record.

The instruments above enumerated are inclosed in a paper herewith, marked A. A. Before completing the purchase these instruments should be returned to the United States attorney at Kansas City, Mo., with request to have the deeds in escrow delivered and the same and the other deeds mentioned truly recorded, and also to see that all taxes against the property are discharged and the deed of trust and notes hereinbefore referred to released and canceled. The searches for incumbrances and liens hould be continued by him down to the date of recording the deeds of conveyance to the Government, and the premises shown to be then free therefrom before payment of the purchase money is made.

I am, sir, very respectfully,

W. H. H. MILLER,
Attorney-General.

The SECRETARY OF THE TREASURY.

108—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 21, 1890.

Mr. GEORGE A. NEAL,
United States District Attorney, Kansas City, Mo.:

SIR: I inclose herewith three Treasury drafts, numbered 26,901, 26,902, 26,903, drawn on the assistant treasurer of the United States at St. Louis, one in favor of John Foley for $10,000, one in favor of Mary L. Whaley for $5,300, and one in favor of

Charles Perkins for $4,700, issued in payment for property selected as a site for the new public building to be erected at Springfield, Mo.

Before delivering the deeds to the parties in interest I have to request that you cause all deeds of trust and notes secured thereby to be released and canceled, and the searches for incumbrances continued down to the date of the recording of the deeds of conveyance, thereby assuring yourself that the property proposed to be conveyed is free from any liens whatsoever.

I also inclose abstract of title; warranty deed of J. Foley and wife to the United States; copy of warranty deed from Charles Perkins to the United States; copy of warranty deed from Mary L. Whaley and husband to the United States; quitclaim deed from Charles Perkins *et al.* to the United States; and quitclaim deed from Sarah Waddell *et al.* to John Foley. Your attention is called to a copy of deed submitted with the deed of John Foley and wife, executed by S. A. Foley and E. G. Hudson and wife, dated October 10, 1889, now in escrow, and also a certain deed of trust made by E. R. Massey and Charles A. McCann, dated March 7, 1887, to secure notes of S. A. Foley and Ira Davenport. Also to the fact that the original deeds of Charles Perkins and Mary L. Whaley and husband are held in escrow, which must be delivered before payment of the purchase money is made.

When the abstract of title shall have been brought down to date, and the original deed entered in the proper office of record, please forward them to this Department with bill of costs.

Respectfully yours,

GEO. S. BATCHELLER,
Assistant Secretary.

368—R.

DEPARTMENT OF JUSTICE, WESTERN DISTRICT OF MISSOURI,
Kansas City, March 31, 1890.

Hon. SECRETARY OF THE TREASURY,
Washington, D. C.:

Mr. SECRETARY: Yours of the 21st instant inclosing Treasury drafts and deeds to Springfield building site, with instructions, received. I have the honor to state that your instructions have been followed, and I herewith inclose receipts for said drafts from the parties to whom I was directed by you to pay the money. [See Exibit A.]

Second. Certificate from John Foley that the deeds in escrow were duly delivered to him. [Exhibit B.]

Third. Certificates from the State and Federal courts that no judgments or liens exist that would affect the land. [Exhibit C.]

Fourth. Certificate of recorder of deeds of the county where the land is situated that no conveyances affecting the land have been filed in his office. [Exhibit D.]

Fifth. Certified copy of deed of trust of Massey and McCann with marginal entry of satisfaction; also note secured by the deed of trust duly canceled. [Exhibit E.]

Sixth. Abstract to date with certificates as to taxes, liens, etc.

Seventh. Bill of costs.

Will forward deeds as soon as the same are duly recorded. In my opinion this completes the matter and the title of the Government is good.

Your obedient servant,

G. A. NEAL.
United States Attorney.

336—R.

SPRINGFIELD, MO., *February* 7, 1890.

Honorable WILLIAM WINDOM,
Secretary of the Treasury, United States:

SIR: In the matter of abstract of title for land selected for Government building corner of St. Louis and Jefferson streets, in your possession: There are certain quitclaim deeds and affidavits among the papers, which we were required to obtain, that have never been recorded. These deeds are not made to the United States, but are made to C. B. Sanford, C. B. & J. L. Holland, Woolley, Porter & Hubbell, and others to perfect their title.

The Government can have no object in keeping these deeds from being properly recorded, and we ask that the instruments in that abstract that have not been placed on record be sent us for that purpose.

These papers were obtained at some expense and trouble, and they clear the title to other lands. We can return them after they have been recorded if you desire it.

Kindly direct that this matter have attention.

Yours, truly,

PORTER & HUBBELL.

336½—R.

Dear Mr. WINDRIM:

Will you please consider this case and I will come in for your direction as to the character of reply that you deem proper. It seems to me that the papers should not be returned for the present anyhow, in view of the history of the case.

Very truly,

J. B. DAPRAY.

[Porter & Hubbell, insurance, real estate, loan and bond brokers.]

SPRINGFIELD, MO., *January* 13, 1890.

Hon. WILLIAM WINDOM,
Secretary United States Treasury, Washington, D. C.:

SIR: The undersigned succeed to the business and property of the firm of Woolley, Porter & Hubbell. About a year ago we offered the Government a location for a public building on the corner of St. Louis and Jefferson streets. We sent you at that time a complete abstract of title to the property. This abstract cost us to prepare about $150. We understand that the lot has been rejected as a site for the public building. Among the papers sent you were several quit-claim deeds, deeds of release, certificates and affidavits not as yet recorded, but that should be placed on record here in order to perfect our title to the land in question. Having rejected this site for the public building you can have no claim upon these papers and no use for them. We need them and can not transfer or sell the land without them.

You also have a bond from us for a large amount, this should also be canceled and returned to us.

Will you kindly have these papers returned to us at once.

Yours truly,

PORTER & HUBBELL.

104½—S.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., February 12, 1890.

Messrs. PORTER & HUBBELL,
Springfield, Mo.:

GENTLEMEN: The statement made in your letters of the 13th ultimo and of the 7th instant, in regard to your request for the return of certain quit-claim deeds, deeds of release, certificates and affidavits, forming part of the evidence of title furnished by you through the United States attorney for the western district of Missouri to the attorney-general and by him transmitted to this department, in regard to the property situated at the corner of St. Louis and Jefferson streets, in Springfield, Mo., is noted.

In reply, I have to state that the papers in the case will be examined as soon as possible, and such of them as should properly be returned will, in a few days, be sent to the attorney-general with the request that they be returned through the United States attorney for the western district of Missouri to the parties in interest.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

106—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 11, 1890.

Hon. W. H. H. MILLER,
Attorney-General:

SIR: Inclosed find copies of letters of January 13 and of the 7th ultimo from, and copy of Department letter of the 12th ultimo to, Messrs. Porter & Hubbell, in regard to returning certain quit-claim deeds, deeds of release, certificates and affidavits, forming part of the evidence of title furnished by Messrs. Woolley, Porter & Hubbell, through the United States Attorney for the western district of Missouri, to you, and by you transmitted to this Department with said United States Attorney's report, abstract of title, etc., and your written opinion dated March 23, 1889, in regard to the matter of title to certain property situated at the corner of St. Louis and Jefferson streets, in Springfield, Mo.

In view of the request made by Messrs. Porter & Hubbell, and the statement made in Department letter of the 12th ultimo, and the opinion rendered by you June 29, 1889, and the statements made in Department letters addressed to you November 16, 1889, I also inclose herewith all papers transmitted with your opinion dated March 23, 1889, with the exception of the draught of warranty deed from the Scott Investment Company, of a parcel of land embraced in said premises, which said warranty deed formed the basis of an investigation instituted by you, through said United States Attorney, in compliance with the request contained in Department letter dated June 3, 1889, and was returned with the evidence in regard thereto with your opinion dated June 29, 1889, with the request that you will return said papers to Messrs. Woolley, Porter & Hubbell, through said United States Attorney and have him take their receipt therefor and forward said receipt, through you, to this Department.

Respectfully, yours,

W. WINDOM,
Secretary.

105—S.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 11, 1890.

Messrs. PORTER & HUBBELL,
Springfield, Mo.:

GENTLEMEN: Referring to your letters dated January 13, and the 7th ultimo, and to Department letter addressed to you on the 12th ultimo, I have to advise you that I have this day forwarded to the honorable the Attorney-General all the papers forming part of the evidence of title furnished by you through the United States Attorney for the western district of Missouri, to the honorable the Attorney-General, and by him transmitted to this Department with his opinion in regard to the matter of title to certain property situated at the corner of St. Louis and Jefferson streets in Springfield, Mo., with the exception of a draught of the warranty deed from the Scott Investment Company of a certain parcel of land embraced in said premises, which said draught of warranty deed formed the basis of an examination of certain questions through said United States Attorney, and which will be retained.

I have requested the honorable the Attorney-General to return said papers to Messrs. Woolley, Porter & Hubbell, through said United States Attorney, and have him take their receipt therefor and return it to this Department.

Respectfully, yours,

W. WINDOM,
Secretary.

87—S.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., January 11, 1890.

Hon. WILLIAM H. WADE,
House of Representatives, Washington, D. C.:

SIR: I have the honor to state that it is observed that on the 18th ultimo you introduced a bill (H. R. 516) appropriating $75,000 for the proposed public building at Springfield, Mo.

In connection with the above and your several conversations at this office, it is inferred that you intended said bill to extend the limit of cost of the site and building from $100,000 fixed by act of Congress approved March 29, 1888, volume 25, page 45, Statutes at Large, to $175,000.

On account of said limit of cost fixed by the act of Congress approved March 29, 1888, an appropriation of $50,000 was made by act of Congress approved October 2, 1888, Volume 25, page 507, Statutes at Large, and if the bill introduced by you on the 18th ultimo is passed without modification, the limit of cost will only be extended to the amount of the appropriation heretofore made, viz: $50,000 plus the amount of the appropriation proposed by said bill, viz: $75,000 or $125,000.

Respectfully, yours,

JAMES H. WINDRIM,
Supervising Architect.

90—S.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., January 14, 1890.

Hon. WILLIAM H. WADE,
House of Representatives, Washington, D. C.:

SIR: Referring to office letter addressed to you on the 11th instant, and your conversation at this office on the 13th instant, in regard to the bill introduced by you on the 18th ultimo, being H. R. bill 516, and as it is understood to be your desire that the limit of cost of the public building to be erected in Springfield, Mo., should be extended from $100,000 to $175,000, and that the balance of money for said purpose within the proposed extended limit of cost should be appropriated at this session of Congress, and in compliance with your verbal request, I have the honor to inclose herewith a draught of bill containing the provisions specified in order that you may carry out your intention to have the same substituted for the bill introduced by you on the 18th ultimo.

In this connection I may state that while the balance of money remaining within the limit of cost fixed by act of Congress approved March 29, 1888, would be sufficient to construct a building which would meet the needs of the Government offices to be accommodated therein, should you secure the increase of limit of cost of site of said building to the sum specified by you, a larger building could be erected, of better construction and finish, that would provide for the present needs and the prospective increase in the public business more satisfactory than that heretofore considered in the estimates made.

Respectfully yours,

JAS. H. WINDRIM,
Supervising Architect.

99—S.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., February 10, 1890.

Hon. SETH L. MILLIKEN,
Chairman Committee on Public Buildings and Grounds,
House of Representatives:

SIR: In compliance with the request contained in your letter of the 20th ultimo, in connection with H. R. bill No. 516, introduced on December 18, 1889, by Hon. William H. Wade, to provide for the increase of the limit of cost of site and building of the public building authorized to be erected in Springfield, Mo., I have the honor to submit the following:

Act of Congress approved March 29, 1888, volume 25, page 46, United States Statutes at Large, authorized the acquisition of a site and the erection thereon of a public building at a cost not to exceed $100,000.

Act of Congress approved October 2, 1888, volume 25, page 507, United States Statutes at Large, made an appropriation of $50,000 on account of the limit fixed by the act of Congress above specified.

H. R. bill 516, proposes to appropriate $75,000 for said purpose in addition to the appropriation of $50,000 made by act of Congress approved October 2, 1888; which would increase the limit of cost from $100,000, fixed by act of Congress approved March 29, 1888, to $125,000.

In this connection I have to state that it is understood that Mr. Wade intends to offer,

as a substitute for said bill 516, a bill contemplating the increase of the limit of cost from $100,000 to $175,000, and the appropriation of $125,000 in addition to the $50,000 heretofore made.

From computations made in this office it is found that the balance of the limit of cost fixed by the act of Congress approved March 29, 1888, viz, $100,000 remaining after deducting the cost of site and the amount of incidental expenses connected therewith, a public building about 40 by 70 feet in dimensions, three stories high, with basement, constructed of brick with stone trimmings, can be erected, which would afford accommodations for the present needs of the Government offices to be located therein.

Should the limit of cost of site and building be increased from $100,000 to $175,000 as above indicated, a public building 60 by 90 feet in dimensions, three stories high, with basement, of fire-proof construction, including heating apparatus, vaults, and approaches, and elevator service, built of brick faced with stone, and permitting a better quality of interior finish, can be erected thereon within the limit of cost, and would afford ample accommodation for the present and the prospective needs of the Government offices to be located therein.

After duly considering the subject in connection with the economy of the action in providing such a public building as will afford ample space for the conduct of the present and future public business in said city, I am of the opinion that said bill should become a law.

Respectfully yours,

JAS. H. WINDRIM,
Supervising Architect.

100—S.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washinton, D. C. February 10, 1890.

HON. WILLIAM H. WADE,
House of Representatives, Washington, D. C.:

SIR: Referring to office letters addressed to you January 11 and 14, 1889, I have the honor to inclose herewith for your information copy of a report this day made, in compliance with your verbal request and the request contained in letter dated January 20, 1890, from the Committee on Public Buildings and Grounds, to Hon. Seth L. Milliken, chairman of said committee, in regard to the advisability of the bill introduced by you to increase the limit of cost of the public building in Springfield, Mo., to $175,000.

In said report it will be observed that it has been found, from computations made, that a public building about 40 to 70 feet in dimentions, with basement, built of brick with stone trimmings, can be erected within the balance of the appropriation remaining available under the present limit of cost, and that should the limit of cost be increased to $175,000 as contemplated, in connection with said bill, a public building about 60 by 90 feet in dimentions, three stories high, with basement, including heating apparatus, elevator service, vaults, and approaches, of fire-proof construction, built of brick faced with stone, can be erected within the amount of said increased limit of cost.

Respectfully yours,

JAS. H. WINDRIM,
Supervising Architect.

363—R.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
December 22, 1888.

HON. WILL A. FRÉRET,
Supervising Architect:

DEAR SIR: In the matter of the proposed public building at Springfield, Mo., I have to request that you prepare no plans for said building until after the site has been determined upon and I have had time to secure the passage of a law to increase the limit of cost.

Respectfully yours,

W. H. WADE.

I have thus presented the history of this case, avoiding any unnecessary minutiæ and supporting each material point stated with the proper papers.

But it is essential to the object and purpose of this statement, namely, a clear, full presentation of the whole history and record of all of the facts connected with the case; of all of the arguments, reasons, and facts which entered into the consideration and determination of the case, that the papers received from the officials, the business men, and from other citizens of Springfield, which show the connection of different individuals, the interests of different individuals, the voices of the people in regard to their preferences, in relation to the several properties which have been offered, and which have been referred to, particularly in regard to whether the preference of a majority of the citizens, a majority of the tax-payers, a majority of the business men, a majority of the city officials—those whose duty it is to exercise the management of the municipal government for the benefit and convenience of the citizens—prefer, urged, requested, and demanded that the public building should be located in the north side of Springfield or in the south side of Springfield, should be offered in evidence and incorporated in the printed report of these proceedings, so that this committee, the parties who are interested, whether it be the officials of the Treasury Department, whether citizens of North Springfield or of South Springfield, or whether it be any person who may hereafter examine the report of the proceedings of this investigation, may find the arguments in regard to the preferences of the people, the growth and development of the city, the convenience of locations to business and to population, the correctness or the error of judgment on the part of those officials who have recently determined the question, the truth or falsity of the allegations which have been made against my official conduct and personal integrity.

I will, therefore, state the following as a brief, giving the substance of such of the papers which have been received, as the originals are too voluminous to present. The brief gives a clear synopsis of the contents of each paper:

It is as follows:

Papers received against St. Louis and Jefferson street property.

No. 38-R (December 18, 1888).—F. S. Ingalls, professor in Drury College, to Thomas D. Fister, states that public building should not be located west or south of public square in south of city; if said square be taken as a center of business a much larger proportion of the population go into and out of it from the north and east side than from the west and south.

No. 40-R (December 20, 1888).—J. M. Doling to Thomas D. Fister, states that he thought that after the two towns were consolidated by such a vote the trouble would be settled, but it seems the south side will not stand up to the agreement; he has no financial interests in the center of the city, but thinks he can lay aside personal interests and work for the interests of the whole city; that Center street will settle all differences in a very short time; locate the building on Center street and be the peacemaker of thirty thousand people.

No. 41-R (December 22, 1888).—J. H. Bouslog, chairman citizens' committee, states that the people of Springfield are very much concerned about location of site for Government building, and would like to have the Secretary withdraw approval of architect's selection of St. Louis and Jefferson street site until they can advise with him and be heard.

No. 42-R (December 24, 1888).—James R. Vaughan to Thomas D. Fister, urges that if the building can not be located on Booneville street that the lot corner of St. Louis and Jefferson streets be selected, as said lot will be more desirable than any other lot in the southern portion of the city, etc.

No. 43-R (December 28, 1888).—F. D. Richardson to Colonel Frerct, states that he is a citizen of Springfield; has no financial interests, but will say as an old friend that to locate building corner Booneville and Center streets, or near there, will please a large majority.

No. 150 A-(R January 1, 1889.)—John B. Waddill to Hon. F. M. Cockrell, advises that he received his letter of the 27th ultimo; that the position he takes is a correct one; that he has stated he did not believe he was taking any hand in it. He had a talk with Mr. Fister and suggested to him that some persons seem to entertain the idea that he (Colonel Cockrell) attempted to influence the location; that Mr. Fister assured him that he (Senator Cockrell) had done nothing of the kind. He appreciates the embarrassment of Mr. Fister's position; the Globe-Democrat says Mr. Fister has decided to report in favor of the St. Louis and Jefferson street site; he does not believe he has made any such intimation; he can do the city a great and permanent benefit and unite all sections by selecting a site not further south than Pine street, and as a matter of fact, that is where it has generally been supposed the building would be ever since the consolidation of the towns; it would then be much nearer the public square on the south side than to Commercial street, on the north side; he believes, however, that the north side people would not consent to see it on Pine street; the south side people would be very unreasonable to object to this, as Pine street is but three blocks north of the public square; if the matter could be left to a vote as between Pine street and any place south of that the former would carry by a large majority, and

No. 150 C.-R (January 2, 1889).—J. H. Bouslog to Colonel Fister, unsigned letter which Senator Cockrell says he wrote to Mr. Fister, refers to his affidavit; introduces the county court as evidence of the truth of the representations made by the court and himself in behalf of an intermediate site between the two centers of business; states that the county court has sold a part of the county property on the square, and have agreed to buy a lot on the northeast corner of Center street and Robberson avenue; the lot at the northeast corner of said avenue was offered to the Government for $1; also the lot known as the Government lot at the northeast corner of Booneville and Center streets was first offered to the Government for $18,000 and the offer was modified to $1, which is beyond any question the most valuable business corner in the city, and as a site for the Government building would give entire satisfaction to a greater number of the citizens than any other site offered; it is the judgment of the county court, some of whose officers were elected on that issue; it is the judgment of the sixteen councilmen, who, by unanimous vote, moved the city hall from College street to its present quarters on Booneville street; it is eminently fair and right that unmistakable evidence should be had to know where the location of the building would please the majority of the people, etc.; the active, pushing, aggressive, business part of the city is north of the public square; three-fourths of the people of the city must not be ignored in order that the post-office should be placed under the noses of a favored few, etc.

No. 150 B-R (January 3, 1889).—J. H. Bouslog to Senator Cockrell, incloses a letter addressed to Mr. Fister and requests him to deliver it, and begs to take issue with that part of the Senator's letter which says, "An angel from Heaven could not give general satisfaction;" he is quite sure that a good Democratic Senator, wishing to do the greatest good to the greatest number, would be sufficiently angelic to give general satisfaction.

No. 150-R (January 7, 1889).—Hon. F. M. Cockrell to Mr. Fister, states that since he saw him he has received the inclosed letters in regard to the Springfield public building site; that Mr. Bouslog forgot to sign his letter, which letters give all the information he has received in regard to the matter, and with them and his own recommendation he will have to do the best he can and make the location, the letters referred to being Nos. 150*a*-R, 150*b*-R, and 150*c*-R.

No. 45-R.—Resolutions adopted by a citizens' mass-meeting, held at court-house January 10, 1889, protesting against the location of the building at the corner of St. Louis and Jefferson streets, because said location would prove a great inconvenience and wrong to a large majority of business men and to more than three-fourths of the voters and inhabitants of the city. Said location is neither near the center of business or the center of population. There are nearly or quite 350 buildings north of said location and less than 140 south of it. More than three-fourths of the population of the city lies north of it and less than one-fourth south of it. It is not a location in or near the center of business or population, and will not become central by the future growth of the city. There is no business east or south of it, and it is a notorious fact that the growth of the city is rapidly extending northward, carrying business fully 2 miles from St. Louis street. It is not convenient to reach from the main depots of the two great lines of railroad. Said location tends to create dissension and antagonism among the citizens, which a central location between the two lines of railroad and between two recognized business centers would avoid, and a location other than on Booneville street or in its immediate vicinity will neither be convenient for the proper transaction of Government business nor satisfactory to the great body of the people of Springfield.

No. 44-R (January 10, 1889).—Resolutions adopted at citizens' mass-meeting, pursuant to public announcement, urging a suspension of proceedings in the matter of

a site for the Springfield building until an unbiased statement of facts can be laid before the Department by the committee appointed at said meeting. The committee appointed were: D. E. Davis, C. H. Hur, S. W. McLaughlin, Chas. Gottfried, Chas. H. Goffe, C. B. Sperry, D. B. Haeberle, F. J. Underwood, G. A. Ramsey, and C. J. McMaster. The committee appointed to visit Washington were John B. Waddill and J. F. G. Bentley. The resolutions also protested against the location of the Government building at the corner of St. Louis and Jefferson streets.

No. 46½-R (January 11, 1889).—Clipping from Springfield Republican, containing a published account of the resolutions and proceedings of the mass-meeting above specified.

No. 53-R (January 16, 1889).—S. H. Boyd to Secretary of the Treasury, incloses newspaper statements, schedules, and cuts of buildings in North Springfield in support of his statement that injustice has been done the city of Springfield in selecting the St. Louis and Jefferson streets property as the site.

No. 57-R (January 22, 1889).—Resolutions adopted by the city council stating that whereas they learn that the special agent of the Treasury Department has selected a site for the public building to be located in said city, at the corner of St. Louis and Jefferson streets, it is resolved by the city council of Springfield that they do not believe said selection to be made in the best interests of the people, and that it is neither central nor convenient for a large majority of the citizens; that they earnestly request the Secretary to disapprove said location and locate the building on Boonville street, not farther south than Pine, nor farther north than Center streets; that they believe such a selection will harmonize all interests; will end all strifes between localities, and will redound to the general prosperity of the city as a whole; said resolutions are signed by Ralph Walker, mayor, and are certified by J. T. Rice, city clerk.

No. 58.-R (January 23, 1889).—Woolley, Porter, & Hubbell to Mr. Fister. States that there has been a decided change for the better regarding the site situation; offer assurance that the site selected will, without any question, give much the best satisfaction. There is a remnant of personal spite resulting largely from disappointed real estate stockholders and real estate interests, which were plainly manifested by the resolutions of disapproval adopted by the city council; states that they will forward a copy of the resolutions with the certificate from the clerk; that out of the 16 members composing the council, only 9 voted for the resolution, 5 voting against its adoption and 2 were absent. They have already inclosed a statement from one of the absent men that he would have voted against the adoption of the resolution had he been present, and from their personal knowledge regarding Mr. Smith's sentiment (the other absent member) he would have voted against the adoption of the resolution; thought it best to give the facts in regard to the above, etc.

No. 59-R (February, 1889).—Petition signed by about 2,000, stating that a considerable majority of the citizens have reason to believe that their claims did not receive consideration to which they are entitled at the hands of Mr. Fister. All of his expressions, with one exception, movements, and associations were such that parties since his departure have been buying and taking options on real estate located near the public square, where it would be decidedly unjust and unsatisfactory to at least three-fifths of the tax-paying voters of the city to locate the building, and requesting to be permitted to submit the question of location of the building near the public square, or either on Center or Boonville streets, near Center street, to the qualified voters of the city as to where the people, not the politicians, want the building, and the verdict thus obtained, whatever it might be, will be accepted in good faith by nine-tenths of the people; the petition sets forth that the undersigned tax-payers of the city of Springfield, Greene County, Mo., petition that the public building be located on Center street, between Jefferson and Boonville streets, or on Boonville street, near Center street, for the following reasons: Said location is more nearly a central location than any other proposed site, would best serve the interests of all the people of the city and county; when the two cities were consolidated in 1887 it was agreed by the committees of both municipalities, for the purpose of effecting such consolidation, that all public buildings should be located on Center street; the city for the last ten years has been growing most rapidly to the north and the center of population is now north of Center street; the four north wards of the city cast nearly 500 votes more than the four south wards; 2,011 voters in the four south wards; 2,490 in the four north wards, showing an increase in the four south wards of 610 votes over the vote of April, 1887, as against an increase of 1,080 votes in the four north wards; said site lies between the two main trunk lines of railroad, the Gulf on the south and the Frisco on the north, and five-sixths of the mail coming into and leaving the city come in and go out on the Frisco line; such location would be of more service to the people because of the street railway facilities east on Jefferson and west on Boonville street and the new line now being constructed on Center street.

The only good east approach to the city is on Center street, west of Nichols, just

one block north of Center, and the north and south approach along Boonville. The city headquarters and offices are on Boonville streeet, about 100 feet south of Center street, placed there by the unanimous vote of the city council; there located it would be an ornament to the city and in a desirable and healthy place for court and office purposes; two-thirds of the manufacturing done and three-fifths of the laboring men are employed north of Center street, while there are at least 1,000 more people north of Center street than south of it; there situated the building will more justly divide its commercial value between the two business centers of the city, Commercial street on the north, and the public square on the south, and afford economy and convenience both to the Government and to the people of Springfield as to its post-office and court facilities; if the honorable gentlemen petitioned are not satisfied that this petition represents the wish of the majority of the people of our city, they respectfully ask that the same be submitted to a vote of the tax-payers.

No. 63-R (February 5, 1889).—Alfred Adams, councilman, to Assistant Secretary Maynard, States that when the resolutions in regard to the location of the United States building were presented to the city council he declined to vote in the affirmative because of the wording of the resolutions extending the limits to Center street; that he is now advised that there is a disposition to compromise on Boonville and Pine streets, and he wishes to say that he believes such a location would be satisfactory to a large majority of the people of Springfield, and would be the best that could possibly be made, and will harmonize all conflicting interests and assure the prosperity of the city.

No. 36-R (blank date).—H. F. Fellows to T. D. Fister. States that it is the opinion of the citizens as well as himself that the Department will be governed by what is considered the greatest good to the greatest number of those who are to be benefitted or convenienced by the location of the building, and that due consideration will be given to the future development of the city; that the two great trunk-lines of raiload pass through the city, and should any other railroads enter the city their terminals will not be north and south of the present lines, consequently a location of the public building between the railroads, where the mails could be received and delivered to the depots in the shortest time, should be considered; that the carriers may start from a central station, equidistant from the termini of the respective railroads to facilitate quick delivery and gathering of mails; the center of business now seems to be in the vicinity of public square, which, within two years past was declared by a large majority of the citizens as not being the central location, or suited for the convenience of the majority; the city has moved its quarters, and when the county builds a new court-house it will be located north of the Gulf road by the preference of a two-thirds majority of the people, both of the county and city; he offered a lot but he did not expect it to be accepted as there were others more centrally located offered, and as a majority of the citizens would vote for a central location in preference to a location on College or St. Louis streets; if he had any selfish motives he would be more benefited by the latter location, for his principal real estate is along the valley between Main and Jefferson streets, but he would like to stop the strife between the two extremes and please the majority.

No. 64-R (February 13, 1889).—J. M. Dolling to Assistant Secretary Maynard, inclosing No. 64*a*, February 12, 1889, statement of Dr. E. T. Robberson, A. A. Demuth, county clerk; John Foley, city collector; M. Bowerman, presiding judge county court; A. W. Lincoln, probate judge, and O. B. Smith, judge of the county court, who are all whom he asked to sign the statement made by Dr. Robberson, and could get most of the county and city officials by presenting the paper to them, suggesting that the Department send another agent to examine the sites and learn everything possible. Is confident that if the location of the building on Center and Boonville and St. Louis and Jefferson streets were left to vote, Center and Boonville streets would receive three-fourths majority; St. Louis and Jefferson streets is certainly an unwise location and does not accommodate any one, as there is no business near it and not likely to be, from the fact that the city is not growing that way; have talked with the best and wealthiest citizens and almost to a man they say the selection is unjust and unwise for the future of the city; the maps shows that Center street is nearer the business center on the south side than on the north; the council chamber was built in 1888, the jail was built this year, and a new court-house will follow in a very short time, all in the north section of the city, which shows the sentiment of the people; Dr. Robberson is one of the wealthiest in the city, and owns large interests in real estate and at least 95 per cent. on the south side, yet he favors Center street, believing it to be just and right according to agreement when the cities were consolidated; the statement referred to says that the St. Louis and Jefferson street site is unjust to a large majority of the citizens; it is not central to business or population, and as far as the postal department is concerned, much more expensive to the Government in transporting mails than to a central point; that Center street, near Boonville, is justly entitled to the location, said locality being most central, though a little south of the center of population, with the increase of population much more rapid

north than south of said point; it is about equidistant between the east and we limits of the city; when Springfield was made the county seat of Greene Count prior to 1840, it was considerably north of the line dividing the county into nor and south halves, but the county as much as the city is largely interested in th postal matters; he is well acquainted with the history of Springfield and the relatio of Springfield to north Springfield, prior to the consolidation of the two municipa ties, and considers it simply an act of justice to a large majority of the citizens locate the building on Center street or on Boonville street in the neighborhood Center; that when the two towns were consolidated a committee of twelve promine citizens, six from each municipality, selected by the two municipalities to agree terms of consolidation, met from time to time until they agreed upon terms, and o of the principal features of the agreement was that the city and county buildings be erected thereafter should be on Center street, and had it not been for this agre ment the vote on the consolidation of the two cities would have been negative; Cent street is one-half mile and four hundred feet south of Division street, which was th south boundary line of North Springfield prior to the vote of consolidation. Nor Springfield asks for no site nearer than Center street, which is nearly one-half mi from her business center, Commercial street; employment is given to nearly on third more of the citizens north of Center street, than south of it; that three-fourth of the mails coming into and going out of the city is from the 'Frisco line, and th transportation of this mail will work a large saving to the Government every year b making Center street the point of distribution, said street being between the 'Fris and Gulf stations; if Center street be deemed too far north, an intermediate poi between Boonville will satisfy a greater part of the northern portion of the city, an a decided majority of the southern portion, who frankly acknowledge that Pi street is too far south, that no public building should be located thereon; that sa opinion is the opinion of three-fourths of those living south of College street; qui a number of them propose to contribute money for the purchase of a lot on the co ner of Boonville and Pine streets; so far as personal interests are concerned, he wi state that three-fourths of his property is on or near public square, and his mo valuable piece of property—the Exchange Bank building—is on the southeast corner public square and College streets, and that in advocating Center street, or the northea corner of Boonville and Pine streets as being the center of population, he does from a sense of justice to the people of Springfield, with whom he has been associate since childhood, and to promote their best interests, and to harmonize conflicting el ments, all of which justly demand consideration, etc.

No. 65-R (February 15, 1889).—John B. Waddill to Hon. Isaac H. Maynard; i closes newspaper clipping signed by Woolley, Porter & Hubbell; he has talke with many of the citizens representing various localities, and is more than ever co vinced that a site on Boonville and Pine streets would be most generally satisfa tory; fully believes that four-fifths of the people would cordially indorse such s lection. It is within three blocks of the public square; many persons on the sou side have recognized the suitability of such location; it is upon the main tho oughfare between the two business centers; it can not change any center; it is a cessible to all; elevated and well adapted to the purpose; if the question could b submitted to a vote—that is, the corner of Boonville and Pine streets, and the co ner of St. Louis and Jefferson streets—he is satisfied the former would receive fi votes to the latter one; it will harmonize the different sections; states that Fister acted while in Springfield as to convince many that he came with predilections in fav of one side, or became strongly prejudiced against the north side soon after he a rived, etc.

No 71-R (February 22, 1889).—Resolutions adopted by M. Bowerman, presidi justice, and O. B. Smith, associate justice, county courts, stating that whereas t location of the Government building in said ———has caused decided dissatisfacti among the people, and fully believing that in order to produce harmony and go feeling among the people it is hereby resolved by the two justices of the county cou that the location of the building on Center street would be acceptable to a large m jority of the citizens.

No. 77-R.—Clipping from the Springfield Leader of March 6, 1889, saying that if t site question is opened the flood-gates of vituperation will be brought down up the Department, etc.

No. 74-R (March 9, 1889).—Hon. S. H. Boyd to Hon. William Windom, Secreta of the Treasury; makes statement in regard to the selection of the St. Louis and J ferson street site, as to how it was selected, being without the least possible reas except to favor a few real-estate owners, etc.; that the citizens of Springfield w greatly disappointed and surprised, and delegation after delegation of gentlemen monstrated against the site selected; he saw Secretary Maynard and Attorney-G eral Garland and they very kindly and very properly deferred any further actio also wrote Hon. W. H. H. Miller about the matter, and he gave orders to the eff that nothing more would be done until further hearings, etc.; asks the privilege

be heard, etc., and those whom he represents being three-fourths of the citizens of Springfield, etc.

No. 79–R (March 14, 1889).—Hon. S. H. Boyd to Hon. William Windom; refers to previous communication addressed by him in regard to the St. Louis and Jefferson street site selected by Mr. Fister, which apparently did not reach the Department, and makes a duplicate statement of its contents; the selection of said site was a surprise to nine-tenths of the inhabitants; the people remonstrated; the site attempted to be forced upon an unwilling people is located in an undesirable, unmarketable part of the city, and the only reason for the location is potent; it is in a part of the city central and convenient to nothing; only reason for it to put into the market property not marketable; it is off the traveled streets and thoroughfares and always will be; it is not central north and south by 1 mile; it is one-half mile distant from the south line of the city and 2 miles distant from the north line of the city; it is a quarter of a mile distant from the east line of the city and a mile distant from the west line of the city; it is a mile distant from the center of population; it is a mile from the center of the wealth of the city; it is a mile from the center of the business of the city; it is on the edge of the settled part of the city; it is opposed by seven-tenths of all of the property of 30,000 inhabitants; the great artery of commercial thoroughfare is Boonville street, 3 miles in length; the Center street crossing at Boonville street is the center of the city, where all the offices of the municipal officers are, where the legislative assembly of the city is, where the finest and largest opera-house in the State is outside of St. Louis and Kansas City, where the people want the public building or not at all; the people of Springfield beg the Secretary to set aside the monstrous finding, if not iniquitous selection, and expend the appropriation on a building at a site indicated by the great mass of the people; the people of the city, from all parts, have bought and tendered to the Government, through him, a site at the corner of Boonville and Center streets, for $1, and are ready to convey on its acceptance.

No. 80–R (March 22, 1889).—Hon. S. H. Boyd to Hon. William Windom; states that he has been a resident of Springfield, Mo., for fifty years; has never been impeached or attempted to be impeached in his statements, and when gentlemen controvert his statements over his written signature they do so at the expense of truth; he asks that inquiry be made into the charges, and if one of them be disproved, so far as he is concerned, he will yield all; no one will say that he is specially interested in changing the location; if it remains where it is he has some $8,000 or $10,000 worth of real estate that would be enhanced in value; if the location is changed his property will not be enhanced in value; he has no other than a general interest, desirous of accommodating the people and doing justice to all and injury to none; he has nothing personal in the matter; he only desires to warn the Government of an irremediable mistake it is about to make, which, if carried out, will be a burning shame to the future of the city; asks that the remonstrances and statistics there be examined; he is too old to make any groundless statements and rest on loose and foundless allegations in the matter; has been active, studious, and thoughtful in his profession since 1857, and is a stranger to any case more clear or decisive than the case that he presents; every fact relevant or bearing on the same fortifies his position, and all he asks is to be given the privilege to verify his statements, etc.

No. 81–R (March 23, 1889).—B. F. Hobart, telegram to R. C. Kerens. "Location of public building here important; will explain in person. Please help and protect."

No. 81–R—R. C. Kerens refers said telegram to the Secretary; states that Mr. Hobart is a citizen of Springfield, Mo., a banker, and one of the largest property owners in the city, a gentleman of the highest character and public spirit, in fact, the very life of the southwest of the city; he is a Republican, not a politician; he cheerfully indorses him to the fullest extent and requests in his behalf and his people that the wishes represented by Mr. Boyd be granted.

No. 82–R (March 25, 1889).—Hon. W. H. Wade to the Secretary of the Treasury; states that while he does not propose to take any direct or indirect part in the selection of the site, his opinion is that many gentlemen of the city, well known to him and whose judgment in the matter is worthy of consideration, believe that Mr. Fister did not give any consideration to their statements, and that it would be better for the Secretary, before finally determining the location, to send a man to Springfield to look over the ground and to listen to any and all arguments made on either side of the question; that he makes the suggestion so that when the Secretary decides the matter of location it may be accepted as the result of full knowledge of the facts connected with the matter.

No. 83–R (March 25, 1889).—Hon. W. H. Wade, telegram to the Secretary of the Treasury; asks to withhold decision of locating public building until he receives Mr. Wade's letter of March 25, 1889.

No. 84–R (March 26, 1889).—John H. Bonslog to Hon. W. H. H. Miller; states that a great majority of the people are dissatisfied with the St. Louis and Jefferson street site; the secret of the selection is that just with the exception of three Republicans who own the site selected by Mr. Fister, it was selected to suit and wholly

profit the leaders of the Democratic party, etc.; aside from all of which the site is not in or near the center of business, nor near the center of population, nor in the geographical center of the city, and is in the direction having the least growth, and on a street that has built but one business house in ten years, while the city has grown from 8,000 to 30,000 in population, and thirty-eight business houses were built last year; that the city is growing to the north of the old public square, one square east of which the site is located, apparently ignoring the best, largest, and most populous and business portion of the city; that the manner of the selection of the St. Louis and Jefferson street site is itself very suspicious, and he hopes it may be fully investigated that justice may be done.

No. 85–R (March 27, 1889).—Hon. S. H. Boyd to the Supervising Architect; refers to his having been afforded an opportunity for a conversation with the Secretary in regard to the site selected by Mr. Fister, and remonstrated against by three-fourths of the citizens, and respectfully invites attention to the voluminous communications from the citizens on file, and particularly calls attention to a formal protest filed by himself, which in brief sets forth that no one but an insane man would have made such a selection unless he was influenced by improper means; that there are strong accusations, such as a good man ought not to make against an official unless he is sure of sustaining and verifying them, which he wants to do, which the citizens of Springfield want to do, and asks that a commission be sent to examine and report upon the matter before expending the appropriation.

No. 86–R (March 27, 1889).—Hon. S. H. Boyd tells Mr. R. C. Kerens that he has seen the Secretary and the Supervising Architect, and requested them before accepting the St. Louis and Jefferson streets site to examine the protests and remonstrances and to appoint a commission to examine the site selected by Mr. Fister; that the selection was made upon considering nothing but partisan and political reasons, ignoring every other consideration; what was wanted was a good, honest man to be appointed to go to Springfield and examine the sites, etc.

No. 89–R (March 30, 1889).—Hon. S. H. Boyd to the Supervising Architect. Asks that the Supervising Architect go or send somebody to look over the city before doing anything in regard to selecting the site; it would be a monstrous wrong to expend money in a building on the site selected; asks that the protests be examined, etc.

No. 88–R (March 30, 1889).—R. C. Kerens refers Mr. Wade's letter to the Secretary of the Treasury, with the request that action looking to the acceptance of the site for the building be deferred until an investigation of the charges made as to a one-sided and improper location is made and all parties heard.

No. 93–R.—John Foley, citycollector, April 2, 1889, to the Secretary of the Treasury, states that Mr. Fister selected a site that was unsatisfactory to three-fourths of a population of 30,000; if he made a mistake in selecting said site is it right to punish the many at the expense of a few and save a few dollars; asks if it would not be a wise policy to send another man to see what an error has been committed; the St. Louis and Jefferson streets site selection was a big Democratic scheme to aid their friends, who are every one Democrats except two or three; there is not $75,000 worth of business done in the entire street outside of the hardware house; it is not a suitable site; Mr. Fister treated many of them with great disrespect and refused to take in his hands a petition signed by three-fourths of the voters asking that the selection be made between the two business centers, etc.

No. 94–R (April 2, 1889).—J. H. Bouslog to Hon. James N. Tyner, writes that the whole thing is an imposition; if they will send a fair, impartial man to examine into the question the people would be perfectly satisfied for the compromise of the Fister selection; is quite sure that Mr. Wade worked for the old site all the time, as his mother-in-law owns a large tract of ground within 100 feet of the old site, which is rendered very valuable, etc.

No. 95–R (April 3, 1889).—J. H. Bouslog to Hon. J. N. Tyner, refers to having seen the postmaster and asks that if the case is not a preconcerted case of bulldozing on the part of Mr. Fister, Maynard, and others, etc.

No. 96–R (April 3, 1889).—Hon. S. H. Boyd; telegram to the Secretary of the Treasury; says that in the city yesterday the Democratic candidate was elected by 650; issue was on public building site, the Democrat favoring a central location and the Republican candidate favoring the Fister location; on party issues the Republican would have been elected by 600 majority; asks that a commission be sent, etc.

No. 99–R (April 12, 1889).—John Foley to R. C. Kerens. Calls attention to the fact that at least three-fourths of the people are dissatisfied in regard to the St. Louis and Jefferson streets site; that Mr. Fister evidently made a great blunder: he does not know it was for favoritism, but it looks decidedly that way; perhaps Mr. Wade's interest had some influence, his mother-in-law owning about 500 feet very close; asks whether the great majority of the people are responsible for Fister's error and must suffer for the mistake, and that another man be sent to see if Mr. Fister did not make a great mistake; there is not $75,000 worth of business done in a year on St. Louis street, taking out Mr. McGregor's hardware store; that the large business

centers are to be accommodated instead of one in locating public buildings; three-fourths of the population of Springfield live north of the public square; two-thirds live north of Pine street, the dividing line of the eight wards, and it is a manifest wrong to compel such as are obliged to go to the post-office to travel so much farther than a few; there is not one man in one thousand who would select the site corner of St. Louis and Jefferson streets, as Mr. Fister did; had he selected Boonville and Pine streets location nine-tenths of the people would have been satisfied and no protests would have been made; two-thirds would consent to Boonville and Center streets; Mr. Fister says no mortal power can change his selection, and he will see that it is not made; he evidently knows that he erred and intends to stick to it and attempt to convince the mass that they have no power like he; he was pompous and treated with contempt and impertinence a large number of our best citizens; he refused to touch a petition of two-thirds of the people asking a location between Pine and Center streets, saying he was there to do this and he did not care what were our wishes, as we did not know what we wanted, etc.

No. 99–R.—R. C. Kerens refers said letter to the Secretary of the Treasury with the statement that the writer is in every way worthy and full weight can be given to his statements; he recommends that a trusted agent be sent to Springfield to investigate the situation and select a new site.

No. 176–R (April 16, 1889).—A. W. Lincoln to the Secretary of the Treasury. The site selected at St. Louis and Jefferson streets is in his opinion unfortunate; it is at the extreme southeast part of the city; it lies south of both trunk lines of railway over which the mails come, and 1½ miles south of the Frisco Railway over which come into and go out of the city five-sixths of all the mails; it is conceded by at least five-sixths of all the people of the city that such site is opposed to the convenience of the people and to the best interests of the city's growth; said location interests only a few property owners in whose interests it was made; Boonville street is the main thoroughfare which binds together the two business centers, it is 1½ miles in length, and is destined to become the main business street of Springfield; the St. Louis and Jefferson streets location is isolated from travel, nine-tenths of the same between the two business centers being on Boonville street, upon which somewhere between such centers in close proximity thereto the public building should be located. Center street is the most natural, convenient, and satisfactory site for the building, it being nearly central, easy of access by street railroad lines, near all the city offices, the City Hall standing within 60 feet of Boonville and Center streets, and the street upon which the county court proposes to erect the county buildings; another agent should be sent to locate the building in order that if possible the interests of five-sixths of the people can be consulted, and the interests of a large majority of the city, which majority is near Center street, can not be ignored.

No. 151*a*–R (April 16, 1889).—G. A. Ramsey to the Secretary of the Treasury, states that it is the earnest desire of at least three-fourths of the citizens that the action of the agent of the Treasury Department, Mr. Fister, in selecting the St. Louis and Jefferson street site be investigated; thoroughly believes that if the question was left to a vote of the people fully four-fifths of the votes would favor a more central location; Colonel Fister wholly ignored the people of the north side when he selected said site; he held several meetings in the south side, but failed to materialize at the meeting he had called for the north side, and only saw the business portion of the north side in a covered cab while it was raining; he listened to no proposition except the one of a few favored politicians and real-estate owners; represented and plainly showed by his action that he was carrying out a prearranged plan; not one good reason can be given for said choice; Fister said he wanted to locate the building near a business center, and he was offered a fine site on Boonville street and as near the business center as the one he selected, but he did not consider it; while he has no proof of the reason that led Fister to select said site, no one in Springfield believes that it was brought about by proper influences, and no disinterested stranger would come to our city and with an unbiased consideration of the situation select the site he did; hundreds of citizens remarked that the place for the Government building and court-house was between the two cities of Springfield and North Springfield, which are consolidated into one town, it is the honest judgment that a strife will be engendered and an enmity aroused if Fister's site is approved, and it will prove disastrous to the best interests of the city; the north end of the city is a business center, and the south end is one also; the distance between them is about 1½ miles; Boonville street is the connecting link and is rapidly growing up with business of various kinds from end to end; the finest opera-house in the West is located midway between the two cities; the city buildings where the city council meets and the officers of the city have offices; the people desire a central location fo all public buildings and the officers of the county court were selected on that issue political candidates are elected on favoring central location for public buildings; the growth of the city is largely towards the north; the whole object of consolidating the two cities was to build up one business center, and to make the city a unit on

No. 150 R (April 17, 1869).—Hon. S. H. Boyd to the Secretary of the Tre
asks that some one be sent to examine the matter: will place $1,000 in
to pay expenses of examination if the report is made adverse to his sta
heretofore made; to build the building on the corner of St. Louis and Je
streets is a disgrace and burning shame and lasting reproach to the admin
he is sixty years old, and what motives can be ascribed to him to make o
when it is to his advantage as to the value of his property to let the buildi
cated at St. Louis and Jefferson streets; he speaks for a city of 30,000, which
seen grow from a population of 150 to its present dimensions; he will prov
than he charges; that the county court, etc., are located more than a mile fr
Fister site, etc.

No. 151 R (April 18, 1869).—John P. Hubbell to the Secretary of the Tre
protests against the acceptance of Fister's report on the location of the public
ing, because he is thoroughly convinced that if the report is accepted and the bu
located at St. Louis and Jefferson streets, the best interests of the city would
subserved. The statistics show that the large percentage of the growth is a
been north of Center street. The natural connecting thoroughfare between t
business centers of the town is Boonville street. The two business centers u
united, and if they are not, there will be a bitter and long-continued warfa
tween the two sections. Everything points to a gradual assimilation of the c
ing Interests except the unprecedented selection of the site where it can onl
source of continual contention, and at least temporarily defeat the movements t

consolidation. The north part of the city does not ask for the building to be given to them; only want it placed in that part of the town where it will be for the convenience of the city as a whole. The site proposed in the north side is within seven blocks of the public square, the business center of the south side, and ten blocks from Commercial street, the north center of business. It is his honest judgment that the only persons to be benefited by the proposed site will be a few private owners in the vicinity to the detriment and expense of five-sevenths of the tax-payers of the city. In the name of fairness and justice he asks that the question be submitted to a vote of the citizens, or that a man unbiased, to thoroughly investigate the question, should be sent.

No. 151a–R (April 18, 1889).—Petition of the Merchants' Exchange of Springfield to the Secretary of the Treasury, signed by the president, vice-president, treasurer, secretary, and by about sixty members, stating that, having an earnest desire for the present and future welfare of the city, they respectfully call attention to the facts and present several reasons that might be urged why the United States Government building should be located on a more central site than the St. Louis and Jefferson street site; until 1887 the city territory was embraced in two distinct cities with separate governments, etc.; in 1870 the Frisco Railroad was built, and because of the failure of Springfield to aid in the enterprise the railroad was located and built through the south part of the city, and the repair shops located and built on the north, and over $200,000 was expended by the company in enlarging and improving them; the passenger depot was built on Benton avenue; the freight depot was built on Boonville street; the Belt line of railroad was built by the Frisco company and a subdepot located on Phelps avenue for freight-trains, but all passenger business of the main line of the Frisco is done at Benton Avenue depot, and all mails are handled there, and this includes about five-sixths of all the mails coming into the city; the location of the Frisco Railroad caused the establishment of the town of North Springfield, with the south line on Division street, and the same rapidly grew into an active business center, and soon became a city with a mayor and city council; there was a strong rivalry between the two towns, and up to 1885 all the railroad business was over the Frisco line, and much bitterness of feeling existed which greatly disturbed the harmony of the business interests of the two cities and retarded the prosperity of each; for the purpose of avoiding a continuance of such condition of things among a people whose interests were so nearly identified, a plan was proposed to consolidate the two cities; the annexation was largely aided by statements and promises on the part of the leading citizens that the public buildings should be located on Center street, and a large mass-meeting was held on Center street ratifying the agreement; the agreement was only partially fulfilled by the city council in 1888 by unanimous vote locating the city offices on Boonville street; so general has been the understanding that the public buildings were to be on Center street that private parties have caused to be erected on Boonville street, opposite the city post-office, a large and costly opera-house; the growth of the city southward is retarded by the fact that in that section there are six cemeteries and the fair grounds and the infirmary farm; the land surrounding the city on the east, north, and west is high, rolling land, presenting many attractions for residences.

North of the city is a number of parks, and the tendency and growth of the city is northward towards these attractions rather than southward. Commercial street, which extends 2 miles along the south side of the Frisco line, was the business street of North Springfield and is now an active business center. It has many substantial brick business blocks, banking houses, small stores, etc. The county court is located there. Boonville is the main business street between the two business centers and will naturally become the business street connecting them, and the location of the public building on or near this street will accommodate the largest number of citizens and business men, etc. The feeling of unity which has been growing among the two sections has been rudely disturbed by the reported location of the Government building at St. Louis and Jefferson streets, which is almost entirely outside of the business parts of the city and very far from the center, either in territory or population, and in the least progressive portion of the city, as is abundantly shown by the votes cast in the city election. There is probably not $100,000 invested on St. Louis street east of Jefferson street, and less on Jefferson street between the square and the site chosen. There are no large spaces on St. Louis street between the public square and the site, and other parts are covered with dilapidated junk shops. There has not been enough enterprise there to cover more than one-half of 500 feet with respectable business rooms. The site selected at St. Louis and Jefferson streets has for a long time been occupied by a large bill-board, and the same is true of the opposite corner, while a rough blacksmith shop occupies the other corner and a corn-mill the other directly east, and no business is done on Jefferson street south of St. Louis street. The St. Louis and Jefferson streets site is entirely out of the section of the city embraced between the two great lines of railroad, between which any impartial man will see at

a glance the business is located and where the Government building should be located. A great and irreparable injury will be done the business interests if the public building is located there or anywhere but on Center street, where the people expected it to be placed for their use and accommodation. The people will not vote for sewer and other improvements if the public-building strife and contention is continued. The public building should be placed in the center of population, and the center of business asks that in common fairness and justice, for the sake of harmony and unity and good that ought to prevail among the citizens, and for the present and future welfare, a site for the public building be selected on Center street near Boonville street, etc.

No. 151-R (April 20, 1889).—R. C. Kerens incloses certain papers and requests the Secretary to set aside the location (St. Louis and Jefferson streets), investigate the matter, and make a new selection; that improper influence has been charged in the matter, and therefore it seems that there should be an investigation; incloses part of a letter addressed to S. B. Elkins, inclosing letters from John P. Hubbell, G. A. Ramsey, and A. M. Haswell, and a communication from the Merchants' Exchange signed by its officers and nearly all its members, accompanied by maps showing proposed location of Government building, location of building now occupied by the city officials; also location of Drury College, and line showing location of street-car system; another map showing growth of city as evidenced by the increased growth in different wards; also communication from Paul Roulet showing growth of city from its inception; the men are representative men in the community; their statements are entitled to full credence; the location selected is an unfair one and will do more to retard the growth of Springfield than anything else that could be done; if the Government could be persuaded to abandon the project of a Government building, the citizens would be justified in donating to that purpose rather than have the building located on the present site; he makes the appeal for assistance out of the dilemma into which the people have been plunged by the incompetency of the official who selected the location; the matter is an important one and he would be glad to serve his friends in securing what is right and just.

No. 103-R (April 22, 1889).—L. T. Hunt, secretary of the Merchants' Exchange, to the Secretary of the Treasury incloses cuts of buildings in northern section of the city, etc.

No. 102.-R (April 22, 1889).—E. T. Robberson, affidavit stating that he is fifty-eight years old, has been a resident of Springfield for forty years, and is thoroughly identified with interests; that on the evening of the 17th of December, 1888, he was in North Springfield, now a part of the city of Springfield, and about a quarter past 8 o'clock received a telephone message from Lee Holland, cashier of the Exchange Bank, to come at once to said bank; that there was a gentleman there who desired to see him at once on important business; he went to said bank and found Lee Holland and a gentleman by the name of Mitchell, a reporter for the St. Louis Globe-Democrat; said Mitchell stated to said Holland and to him that he was going to St. Louis that night with Mr. Fister; that he had secured a berth in the sleeper for him (Fister), and had told Colonel Fister that he meant business; Mitchell stated in this interview with said Holland and him that he thought he could secure the location of the building on the corner of Center and Boonville streets" for $10,000. This was made as a proposition to him; in answer to which he stated that the friends of the location had just promised $18,000 to buy the lot and that he did not believe that an additional $10,000 could be raised, but mentioned another lot on Center street a little east of the corner of Boonville and Center streets that was just as eligible for a building site; said Mitchell then asked for a proposition in writing; in about a week or ten days said Mitchell returned to Springfield, and the first time thereafter he met him he inquired of said Mitchell what Colonel Fister said about the Center street proposition, to which said Mitchell replied: He said, Fister says he can do a great deal better: It is currently reported that said Mitchell on his second visit to Springfield was with the parties interested in the location on the corner of St. Louis and Jefferson streets most of his time during his visit; that extraordinary efforts have been made by said Fister and a certain real-estate firm he has been in telegraphic communication with to have the Government bound by the acceptance of title before the outgoing of the Democratic administration, and Colonel Fister, knowing that the site selected by him is not central to business or to population, and that there is not a business house east of said site on St. Louis street except two small grocery establishments, and not a business house of Jefferson street south of said site of any description, and over three blocks north of said site there is not a business house of any kind except a tobacco factory, that it is only three-quarters of a mile east of said site to the limits of the city, and less than that south to the city limits, except southwest of said site, while it is some 2½ miles north to the city limits and considerably farther to the northwest limits of the city, with the intermediate space well filled up, that the selection is so flagrant an outrage on a large majority of the citizens of Springfield in connection with the foregoing statement, that in his judgment

there must have been some undue influences brought to bear on said Fister, and are suggestive of fraud and bribery.

No. 104–R (April 23, 1889).—John Foley, city collector, to Mr. Tichenor, wishes to suggest some errors made by Mr. Fister in selecting the St. Louis and Jefferson street site. During the last days of the past administration Fister was sent to select the site; the city is rather peculiarly situated, having two large business centers and two post-offices; one is a station and is a well equipped office; Fister came with letters from Senator Cockrell to two or three leading Democrats (Confederates); he treated the people from the north end of the town with disdain and would not listen to them; Hon. Mr. Wade said that Senator Cockrell made the selection to suit his dear friend General C. B. Holland, who owns all of St. Louis and Jefferson streets and the public square, etc.; it had been thought that Mr. Wade had all to do with its selection because his wife's mother owns 500 feet across the street, very near; it would seem that the Department would wish to make inquiry into the matter, and if Mr. Fister made a mistake in the selection and the former Secretary in approving the selection, that the parties interested had no cause for complaint, because fully four-fifths of the people desire the building to go at the corner of Boonville and Pine streets, one-half to Boonville and Center streets; there is not $100,000 worth of business done in St. Louis street outside of McGregor's store; the street is owned by a clan who will not build nor will they sell to any one who can afford to build houses; he does not think that you can find another Fister in a thousand who would select the site as he did; suggests that a man be sent to look over the town and report upon a site and the citizens will buy and pay for the same and donate it to the Government for $1; they only want justice and equity to a great majority; fully two-thirds of the business men doing business on the public square say it should go between the two business centers, and a few old moss-back property-owners on the public square and St. Louis streets do not want the site changed; the citizens are for the prosperity of the town and to accommodate the great mass of people.

No. 106–R (April 29, 1889).—Hon. J. N. Tyner to Assistant Secretary of the Treasury, incloses an affidavit sent to him by John H. Bouslog which is not addressed to any one, because he said the affiant did not know to whom it should be addressed; but it is an affidavit all the same.

No. 251–R.—List of business houses, papers, companies, etc., said to be in favor of a central location.

No. 180–R.—Printed paper of tax-payers, asking that the public building be located on Center street between Jefferson and Boonville, or on Boonville street near Center street, for the reason that it is nearly a central location; such selection would best serve the interests of the people of the city and the county; when the two cities were consolidated in 1887 it was agreed by the committees of both municipalities that the public building should be located on Center street; the city for the past ten years has been growing most rapidly to the north, and the center of population is north of Center street; such site lies between the two main lines of railroad; such location would be of more service to the people because of the street railway facilities; it is the only good east approach to the city; the city headquarters are on Boonville street, about 100 feet from Center street, placed there by the unanimous vote of the city council,; two-thirds of the manufacturing and three-fifths of the laboring people are north of Center street; 1,000 more people are north of Center street than south of it; it will there more justly divide the commercial value between the two business centers and afford economy and convenience both to the Government and to the people of Springfield. Also, small map showing growth and development of the city during different periods. Also newspaper clippings scheduling business houses.

No. 252–R.—Small map of city, showing majority of churches, school-houses, and population in north side of city.

No. 254–R.—Small map of city, with statement showing vote of the several wards of the city.

No. 151–R.—Small map showing vote in eight wards.

No. 145–R.—Small map showing distances from public square southwest and location of railroad depots.

No. 151–R.—Small map showing car lines, opera-house, city offices, Drury College, center of city, etc.

No. 143–R.—Small marked map showing vote of the four south wards and of the four north wards of the city.

No. 142–R.—Small marked map showing public square, South Springfield, and business radius.

No. 141–R.—Small marked map showing growth and development of the city.

No. 138–R.—Small marked map showing votes in the wards of the city.

No. 137–R.—Small marked map showing street-car lines, opera-house, school-houses, depots, and other data.

No. 140–R.—Small marked map.

No. 109-R.—S. H. Boyd to Supervising Architect, May 3, 1889. States that about March 8, 1889, Hon. W. H. Wade came to him with Messrs. Hubbell and Woolley, who said they were tired staying in Washington and were anxious to return home, but wanted to know whether the title to the lot was valid, and asked him (Boyd) to consent to the continuation of the examination of the abstract, as the Attorney-General said he had promised not to do anything more until the Secretary of the Treasury desired it; he (Boyd) then agreed in writing to accommodate them, with the distinct understanding that it could not be considered any step towards the acceptance of the lot, and that they acquiesced; said understanding took place in the office of the chief clerk of the Attorney-General's office, and that it was understood that what the parties desired was to know if anything further was required to perfect the title, and Mr. Wade said that he understood that the fight was to go on about the location as though they said yes, etc.

No. 111-R (May 5, 1889).—John Foley to Hon. G. C. Tichenor. Acknowledges the receipt of a letter of the 2d instant from Assistant Secretary Tichenor; he only wishes that Mr. Tichenor for his own satisfaction would visit Springfield and see what injustice Mr. Fister has done; thinks that hundreds of maps and plats sent show the great disadvantage of the St. Louis and Jefferson street site; Springfield has two towns which were consolidated; has a general post-office and substation, situated about 1½ miles apart; the public building—post-office—should be one building with no stations; the four north wards are to be mostly accommodated by the substation; have about two to three thousand people more than the four south wards; the larger business center around the square is located a quarter of a mile south of the line dividing the eight wards, and the new site is about 600 feet east of the square, in the selection of which, at least two-thirds of the people object to its adoption; the town has become divided into factions, which is most injurious to the town's growth; if the location should be changed to Boonville street, the recognized dividing line of the town into east and west halves, which contain the business houses between the two business centers, would tend to harmonize the people and to build up the two centers toward each other; if Mr. Fister could look into the matter he would at a glance take in the fact that Mr. Wade had been instrumental in securing a matter for which he does not blame him, if he would only acknowledge facts instead of denying them and trying to unload them on Honorable Cockrell; urges that the selection be made independent of Members of Congress or Senators and their manipulations; it is an absolute fact that the merchants doing business on the public square, say: Go to the corner of Boonville and Pine streets; it is about 1,200 feet north of the public square and is the street dividing the towns into north and south halves, while the center of population is still further north, near Center street, etc.

No. 115-R (May 10, 1889).—James H. Windrim, Supervising Architect, long letter to the Secretary of the Treasury. States that in view of the statements made in letter of April 10, addressed to the Assistant Secretary by Hon. J. C. Spooner, that he intends before Congress meets to get his committee together and investigate the matter of the selection of a site for the proposed public building at Springfield, Mo., and enclosing a statement of the 22d ultimo, made by E. T. Robberson, duly subscribed and sworn to, alleging fraudulent and undue influence in the matter of selection of the site. He (the Supervising Architect) submits certain papers protesting against said site and suggests that the Secretary send a special agent to Springfield for the purpose of confidentially investigating the allegations and protests, in order that the Department may have the benefit of the report from the special agent upon the subject before consummating the transaction; makes a statement in regard to the legal status, and incloses a schedule of papers protesting against said site.

No. 116-R (May 11, 1889).—James H. Windrim, Supervising Architect, to the Secretary of the Treasury. Incloses a schedule of certain further papers of protest against the St. Louis and Jefferson street site.

No. 118-R (May 13, 1889).—S. M. Houston to the Secretary of the Treasury. Makes a long statement as to the advisability of locating the building on or near Center street, and not on the corner of St. Louis and Jefferson streets. As a general proposition the building should be built where it would benefit the greatest number of citizens and have reference to the future as well as the present of the city. Center and Boonville streets are as near the geographical center, both east, west, north, and south. It is in the center of population of the city. It is confessedly the most central as well as the most convenient place for the public building. There are two business centers in the city, one in the south and one in the north, and there must of necessity be a connecting artery of trade between these centers. By common consent this must be Boonville and Center streets. General business is now moving from both ends on Boonville street towards the center. No matter where the public building is located, Boonville street is destined to be the great commercial street of the city, and for that reason the Government building should be centrally located on Boonville street. It is a contract of honor between the original cities of Springfield, north and south, that there must be a center, which center must be of common

interest to the whole city, and not to either section, which argument was used at the time of the consolidation, and that the public building, the proposed court-house, jail, and Government buildings all should be located on Center street, and it was with this understanding that the question of consolidation was voted upon. To ratify that declaration thousands of people from the south and north met on Center street and in mass-meeting declared it to be the new center of consolidated Springfield. Not to locate the building there is a breach of faith, a revival of old hostility, etc.

The city council chamber and all city offices and the opera-house are all located on Boonville street near Center street; the new jail is located on Center street; doubtless the court-house will be built on the same ground selected for the jail, and that location will be carried by an overwhelming majority of the people if submitted to a vote; the Government building should be located on Boonville street, or on Center street near their intersection; the population on the north side is increasing two to one over the south side; this is bound to continue. Center and Boonville streets are located with reference to the business of the city as follows: North of Center street there are 190 business houses; between Center street and the street on which Fister located the building—St. Louis street—there are 159 business houses; south of St. Louis street there are 141 business houses, while north of it there are 348 business buildings; the future progress clearly foretells that there will be 10 business houses where there is 1 south of this location; at this time there are 20 business houses going up north of St. Louis street where there is 1 going up south of it; east of the St. Louis and Jefferson street location there is not now and never has been or never will be anything in the way of business houses, and it is well built up with fine residences; said location can never be central and business must go away from it to the north; he writes in behalf of thousands and in the interest of a rapidly developing city; asks what could have been the influence that caused Fister to select a site so manifestly unjust to the general interest of the people; he is at a loss to know; it may be accounted for in one or two ways, either that Fister was wholly incompetent for the duty or that undue influence controlled him in the selection; as to the first nothing need be said; from Senator Cockrell down to the smallest lights of Springfield, much might be said regarding the latter; refers to the political features, etc.

No. 119–R (May 15, 1889).—S. H. Boyd to the Supervising Architect. States that the county court has selected a site for the county building east of the site offered the Government on Center street, and it has been selected without pressure from any one, and that the action of the court verifies everything he has said to the Department about Center street; so far as he is concerned he is financially injured, but the city has gained and the right thing has been done.

No. 124–R (May 17, 1889).—J. T. Rice, city clerk, to Secretary of Treasury. As a south-side man he states that the Fister location was made first to foster the interests of a few individuals at the expense of the business interests of the city; second, as a piece of old fossillized mossbackism through Senators Cockrell and Vest, and it is apparent at a glance that the location was prejudiced because there is no business east, south, or southwest of it, and there is not likely to be; that Fister brought letters to a handful and did not seem to care to take council with any other element; he believes that any level-headed, unprejudiced, patriotic citizen of the United States would recommend a change of location.

No. 152–R (May 21, 1889).—B. F. Hobart writes R. C. Kerens that the location of the proposed public building should be on Boonville street, somewhere between Pine and Center streets; a location beyond the limits mentioned would take it outside of the center that would accommodate the majority of the citizens; on account of the value of property in this vicinity, it is not likely that property could be secured at any very decided bargain, but he feels sure that the site for the proposed public building could be secured at something less than the regular price, if the agent sent to purchase the site exercises a little business sense in that direction.

No. 152–R.—R. C. Kerens refers said letter from Mr. Hobart to the Secretary of the Treasury, for his information.

No. 127–R (May 21, 1889).—E. T. Avery submits his report upon his inspection of the various parcels of land offered as a site for the proposed public building, and against the St. Louis and Jefferson street site.

No. 139–R.—Small marked map, showing boundaries of north and south wards and other facts.

No. 161–R (May 24, 1889).—E. T. Avery. Synopsis of E. T. Avery's report.

No. 165–R (June 1, 1889).—Hon. J. N. Tyner incloses to Hon. G. C. Tichenor letter from J. H. Bouslog, which incloses an affidavit of F. J. Underwood, a member of the city council.

No. 168–R (June 3, 1889).—Copy of letter from the Secretary of the Treasury to the Attorney-General, inclosing certain papers and requesting him to instruct the United States attorney for the western district of Missouri to thoroughly investigate the

allegations in regard to the irregularities in the execution of said deed from the Scott Investment Company.

No. 166–R.—The original deed about which the question in regard to execution was raised.

No. 169–R (June 18, 1889).—Evidence taken by the United States district attorney in investigating said questions.

No. 170–R Evidence taken in the same case.

No. 167–R (June 20, 1889).—E. E. Kimball, United States district attorney, submits report of the facts developed by investigation of the question in connection with the matter of execution of a deed in a scroll from the Scott Investment Company of a parcel of land at the corner of St. Louis and Jefferson streets.

No. 166–R (June 29, 1889).—W. H. H. Miller, Attorney-General, replies to Department letter of June 3, 1889, inclosing papers relating to investigation of the allegations concerning the execution of the deed of the Scott Investment Company of a parcel of land embraced in the St. Louis and Jefferson street site; reviews the case and finds that as it now stands said deed may well be regarded as insufficient for the purpose originally contemplated, and unless the Scott Investment Company shall, by future action of its board of directors, agree to a voluntary conveyance of the property, the only way in which title to the property can be acquired would be by condemnation.

No. 159–R (May 17, 1889).—G. A. Ramsey, secretary of the Scott Investment Company, to John Foley, states in regard to the execution of a deed by the Scott Investment Company to the United States, that he has been secretary of said company since February last, and can only speak of the action of the board in reference to the matter from the records of the company; he finds that the records show that at a meeting the members of the board of directors agreed to sell the St. Louis and Jefferson streets property for $8,000, and directed the execution of the proper conveyance to be delivered to T. B. Holland, to be held by him in trust until such time as the $8,000 is paid to the Scott Investment Company; that the above motion was carried at a special meeting of the board of directors when but five of the nine directors were present, the secretary of the company, Mr. F. E. Atwood, being absent from the city, and W. A. Knott acting as secretary *pro tem*; at the annual meeting January 14, a directorate, a majority of which were opposed to the action of the board, were elected, and would have commenced proceedings to enjoin the delivery of the deed long before had they not believed that the site selected by Mr. Fister would finally be rescinded; most of the company's property is situated in the extreme southern portion of the city, and considerable in the vicinity of St. Louis and Jefferson streets, and the board feared that the action taken would antagonize T. B. Holland and some other men whose influence might be valuable to the company in its straightened circumstances; the company has not received payment, and in the event of the Government accepting and confirming the site, he is unable to see how the company would realize anything from the property; that he is informed that the deed was attested by W. A. Knott, with the seal of the company, and if such was the case he is unable to say how the Government could approve the deed, as section 3, page 5, of the by laws of the company, requires that no one except the secretary shall use the seal for said purpose, and the secretary gives bond in the amount of $25,000 for the faithful performance of his duty; he also understood that Mr. Atwood signed the deed, and that if Mr. Atwood's name appeared on the instrument, the parties who made the deed obtained a blank deed which had his name on it, and the deed after having a description of the property filled in, was never signed by him; Mr. Atwood's affidavit can be procured to said fact; he believes that notice of these irregularities has been brought to the attention of the Government; believes that if the Government should finally confirm the location made by Mr. Fister, the company would at once enjoin the delivery of the deed, etc. (Inclosure in No. 159–R.).

No. 159.–R (May 19, 1889).—John Foley to———, submits figures obtained from Mr. Morrow, who is compiling a census of the city, showing the population of the four wards in the southern portion of the city to be 8,900 and the population in the four north wards to be 12,571, a difference of 3,671 in favor of the four north wards, and stating that these figures will not vary 50 in any ward, and that it is estimated that there are 4,000 in the new addition that are outside of the city limits.

No. 157.–R (May 22, 1889).—George W. Whitehead submits a lengthy report upon his investigation of the allegations of undue influence, etc-, against Fister, stating in substance that no doubt undue influence was used with Fister, who was evidently controlled by personal and political considerations for the benefit of a few and to the exclusion of a large portion of the people of Springfield in the selecting of the St. Louis and Jefferson street site; that he inferred that there were attempts of bribery, but was unable to trace the matter to authenticity, or to prove the charges; that said site is not suitable to the business of the city, and submits a long argument in regard to the subject. For exact language and detail of the report see the paper.

No. 164-R (May 28, 1889).—John Foley, city collector, to Secretary of Treasury, inclosing marked copy of by-laws of the Scott Investment Company.

No. 193-R (August 7, 1889).—Hon. J. N. Tyner refers to Secretary of the Treasury letter of J. H. Bouslog, dated June 27, acknowledging receipt of Mr. Tyner's letter; states that it is understood that District Attorney Kimball was sent to Springfield by the Attorney-General; his impression is that some important matters were disclosed not heretofore known to the Government, and while here injunction was served by the Scott Investment Company on Messrs. Holland not to deliver their deed to the Government, and they have placed a mortgage deed of trust on the St. Louis and Jefferson street property, etc.; expresses surprise in regard to the passage of title, etc.; refers to matters connected with the title; George A. C. Woolley, of the firm of Woolley, Porter & Hubbell, is now in Washington, and is the party who influenced Boyd to so act as attorney that the Government should be bound by the title; said firm is the party offering the site, and will do a good job of unscrupulous bulldozing to carry their point; Mr. Kimball's and the Scott Investment Company's action alarmed them, and they sent Mr. Woolley for two weeks to fix matters; he needs close watching.

No. 194-R (August 7, 1889).—Hon. J. N. Tyner refers to Secretary of the Treasury letters of John H. Bouslog, dated May 29, 1889, stating it is a prima facie fact that the site selected by Fister ought to be wholly out of the question for the very best reasons; among the sites offered was one at the northwest corner of Center street and Robberson avenue for $1; that lot can be still furnished as originally proposed; it would be satisfactory to much the greatest number of the people of the whole city; it is in the geographical center and in the center of population, with the rapid growth of the city to the north; it is about equidistant from the Public square and Commercial street—the two business centers of the city; the site is one square east of Boonville street—the business street connecting the two business centers—upon which is a double track of street railway, cars passing every fifteen minutes; the county court has bought a lot on the opposite corner—the northwest corner of Center street and Robberson avenue—for a new court-house and jail; the jail will be built this year and could be used to advantage by the Government in connection with the United States courts to be held here; the selection of said location will to-day be the most satisfactory to the greatest number of citizens, both of the city and of the county, and most economical and convenient for the reception and distribution of mail matter, and in a short time will heal the dissension and cause more building; sends copy of deed of land purchased as site for court-house, as an evidence of the county officials' judgment as to where the public building should be located; the judgment of the county officials is also the judgment of the voters of the city, as the county evidenced by the election of a part of the county court last November upon this special issue, etc.

No. 201-R.—Petition to the Secretary of the Treasury, signed by about fifty Republicans, stating that the location selected by Mr. Fister is so manifestly unjust and unfair, that it savors so strongly of fraud and corruption, it will be greatly to the interest of Republican interests in the county and district to have said site abandoned and a new site selected, etc.; states the belief that prevails in regard to the influences leading to the selection of the St. Louis and Jefferson street site, and that the people evidently expected, with all the facts before the Department, a more central site would be selected, and now request that the question be given more mature consideration, etc.; it is believed that Congressman Wade has used his influence in favor of the Fister site, and if the election were held to-morrow it would be doubtful if he would carry his own county when the majority should give 1,500, etc.; it was a mutual understanding at the time of the consolidation that all public buildings should be located centrally, and any violation of this agreement will be resented by the people, etc.; the city census just taken gives the four north wards of the city 50 per cent. more population than the four south wards, etc.

No. 195-R (August 12, 1889).—R. C. Kerens to Secretary of Treasury, telegraphs: "Please suspend action on public building location at Springfield until my friends can be heard in person."

No. 196-R (August 13, 1889).—Ramsey and Otterson inclose to Secretary of Treasury copy of printed interview with Rev. G. P. Peal, who claims to represent the citizens of the place in the matter of public building at Washington, will send papers in a few days which will place him before the Department in the proper light; the newspaper article makes a long statement concerning Mr. Peale's standing in the community, etc.

No. 206½-R (August 17, 1889).—A. W. Ollis, president Merchants' Exchange, submits a long statement in regard to the matter of location of building, why it should not be located at St. Louis and Jefferson streets, because that part of the city is the most non-progressive of any that could be selected, only one building having been erected on St. Louis street in the last two years or more; more than half the population is northward of Center street; the St. Louis and Jefferson streets site is outside of

the two great lines of railroad; it was clearly understood at the time of the incorporation of North and South Springfield that the new public building should be placed on Center street, which the great majority of the people most earnestly desire to be carried out; the people have expressed their views by securing a lease for the city offices on Boonville street, etc.

No. 198–R (August 20, 1889).—A. W. Ollis, president Merchants' Exchange, telegraphs Secretary of the Treasury proceedings by the Government to condemn site for public building in Springfield when other sites far more satisfactory to the people can be offered provokes very earnest opposition among all classes, and the large majority denounce it as an outrage upon the rights and against the best interests of the city.

No. 199–R (August 20,1889).—E. T. Robberson telegraphs Secretary of Treasury "I renew my offer of a site for the Government building corner Center and Robberson avenue with perfect title free of cost.

No. 213–R (August 26, 1889).—John Foley to the Secretary of the Treasury, expresses regret at any action in regard to condemnation of St. Louis and Jefferson streets property for site, states that the people are about to agree to a compromise that four-fifths of the people will ratify, in favor of Boonville street near Pine street as a location for the building; requests a suspension of the proceedings in condemnation that the people may effect a compromise that will suit all instead of condemning property at a point to suit only a few, and which will injure the growth and prosperity of the city, etc.

No. 276–R (August 28, 1889).—A. W Ollis telegraphs Secretary of Treasury that county court has awarded contract for county building to be located on Center street near Boonville street, a great majority of the people want Government buildings in the same vicinity.

No. 274–R (August 29, 1889).—L. F. Hunt to Secretary of Treasury, incloses newspaper clipping of the account of the proceedings of the "ex-Confederates" of this State, showing their sentiments, etc., and makes a statement in regard to the reasons for the selection of St. Louis and Jefferson streets site and protests against the same.

No. 202½–R (September 3, 1889).—A. W. Ollis, president Merchants' Exchange, to Hon G. S. Batcheller, inclosing small marked map, showing location of county buildings, etc., and making a long statement in regard to the question, stating that a large majority of the people desire a central location for public buildings, as evidenced by the fact that the city offices have been removed from the location at the corner of College and Campbell streets, west of the public square, to a point on Boonville street by the unanimous vote of the city council, and the county court has just completed contracts for the completion of the county jail and court-room on the north side of Center street, corner of Robberson avenue, and the work of the construction of the building is being prosecuted in obedience to the voice of the people expressed at the ballot-box; the future growth of the city is now plainly indicated; two new street-car lines are just being completed, which fact clearly shows the growth of the city is almost entirely away from the southeast of the city, etc.

No. 275–R (September 4, 1889).—R. C. Kerens to Supervising Architect, makes a statement in regard to his examination of the different sites proposed; expresses his opinion that the St. Louis and Jefferson streets site is an improper one, and is located in the interest of a real estate syndicate or combination; that the growth of the city is in the other direction; that the center of business is a good distance from said corner; that he is informed that certain parties are in Washington pressing the acceptance of their scheme; that they represent their own interests and not the interests of the business community; that the business men have made statements and forwarded them; that any impartial man can see at a glance that the said corner is not a proper location, and requests that a suspension of action in the matter be ordered and an opportunity be given to the business people and those who are considered representatives of the community to be heard.

No. 271–R (September 9, 1889).—S. H. Boyd to the Secretary of the Treasury, refers to matter of location of county buildings having been made an issue in public vote; that the county court and jail and criminal court-room are near Center street; states that St. Louis and Jefferson streets site is unsuitable and refers to Mr. Peale.

No. 272–R (September 9, 1889).—S. H. Boyd, G. A. Ramsey, and A. W. Ollis, telegraph Secretary of Treasury that a careful canvass shows that Representative Wade will lose at least 1,500 votes in the city and over 1,000 votes in the county unless selection of public building site is changed.

No. 270–R (September 10, 1889).—R. F. Pettigrew of Sioux Falls, S. D., incloses to the Secretary of the Treasury a telegram addressed to him by J. F. Norton, stating that interests of Republican party demand change of site; that Congressman Wade will lose 1,500 votes in Springfield alone, if change is not made, etc.

No. 202–R (September 26, 1889).—R. C. Kerens telegraphs H. C. McLean, "Will be glad to meet Mr. Windrim on his arrival in St. Louis."

No. 323–R.—Plat showing Boonville and Brower street location.

No. 322-R.—Plat showing Boonville and Brower street location.

No. 204.-R (October 2, 1889).—G. A. Ramsey to supervising architect, incloses copy of Springfield Herald which contains an account of the Supervising Architect's visit.

No. 255-R (October 3, 1889).—Foley, Perkins, and Whaley to Secretary of Treasury, proposal offering property at corner of Boonville and Brower streets for $20,000.

No. 242-R (October 5, 1889).—A. W. Ollis to Supervising Architect, certifies that J. F. G. Bently is authorized to express the opinion and wish of the Merchants' Exchange in regard to the location of the public building, and that Mr. Bentley will voice the sentiment of a large majority of the people of Springfield.

No. 253-R (October 7, 1889).—R. L. McElheny to Secretary of Treasury, offers site corner of Boonville and Pine streets for $20,000.

No. 277-R (October 11, 1889).—Supervising Architect to Secretary of Treasury. Report upon his visit to Springfield and his inspection of the various parcels of land offered, in which he sets forth the relative merits of the prosposed locations. For the statements made in Mr. Windrim's report see the paper.

No. 205-R (October 15, 1889).—Wm. Matthie, city recorder, to Supervising Architect, says he understands that certain parties are representing to the Department that if the Fister site is not confirmed the Republican party will be disrupted in the city and county; he desires to state that such statements are unwarranted by the facts; in his opinion four-fifths of the voters of the city favor the site on Boonville and Pine streets; such a location would bring about harmony, etc.

No. 206-R (October 15, 1889).—A. W. Ollis, president exchange, to supervising architect, states it is a source of regret that the location of the public building is still causing trouble; he sends some evidence of the general desire for a central location in the way of certificates from office-holders, and will forward more; can get three-fourths of all the county and city officers to the same effect, and at least three-fourths of the people of the city if time were allowed; if the matter is left to a vote of the people the Department can be convinced beyond a question; the matter has been in hand so long that business interests, political, social, and, in fact, every interest and good of the city demand that the vexed question be permanently disposed of and settled at the earliest possible moment; a location on Boonville street, between Pine and Center streets, means a practical ending of the strife between the business centers, securing the growth of one to the other, and it means the greatest amount of harmony, political and otherwise, while a confirmation of the St. Louis and Jefferson streets site means general disruption, wrangling, and strife, the intensity and bitterness of which he is sure the Department could not have the faintest conception of, etc.

No. 207-R (October 15, 1889).—A. W. Ollis to J. F. G. Bentley, acknowledges receipt of letter from J. F. G. Bentley; states that Mr. Parce is averse to expressing any public opinion in regard to the public building location, but gives it as his private opinion that if the city was done growing the building would be properly located on the square, but considering the active growth northward a more central location is the proper place; refers to the political features, and that they have been miserably distorted; says some one will be displeased no matter how the question is settled; a northern location would give satisfaction to the greatest number; he authorized him (Bentley) to say that if the Department wants an expression from him he will gladly reply to all inquiries, but will not express himself to persons for the reason that the south side parties have been trying to have him commit himself, but he has steadily refused and, having kept out of the muddle, prefers not to become involved in it; he knows a central location has already been selected; also states that certificates will be collected and forwarded; if names are wanted a petition in favor of location between Pine and Center streets, signed by about 3,500 property owners, can be obtained in a short time; again refers to the political features.

No. 208-R (October 15, 1889).—A. W. Headley, State senator, to supervising architect, says that a location for the building at a central point of the city will not injure the interests of the Republican party of southwest Missouri.

No. 209-R (October 15, 1889).—J. H. Duncan, chairman Republican State central committee, to Secretary of Treasury, says that he is informed that certain parties are in Washington representing that a change of the public building site would prove disastrous to the Republican party; in his opinion such is untrue; the site on Boonville street near Pine is so manifestly just and right that the public would readily approve of the selection and the result would harmonize and unify the Republican party rather than disrupt and disorganize the same; if Fister had selected this point in the first instance, 95 per cent. of the voters of the city would ratify it; the selection of that place will perfectly suit a large majority of the Republicans.

No. 212-R (October 15, 1889).—O. B. Smith, associate justice county court, to the supervising architect, states that he was the nominee of the Democratic party for the office of associate justice in 1888; that he made his position on the question of location of the county building a matter of his campaign; that he was elected by a large majority, being the only Democrat elected; and if the question of location of

the public building was submitted to a vote of the people of the county or city that an overwhelming majority would favor the vicinity of Center street.

No. 211-R (October 15, 1889).—A. W. Lincoln, probate judge, to the supervising architect, makes a long statement in regard to the location of the building; states that St. Louis and Jefferson streets site is unsatisfactory to at least three-fourths of the people; the development and growth of the city demand building being erected between two centers, somewhere along or near Boonville street; refers to the political features of the case, etc.

No. 210-R (October 15, 1889).—G. A. Ramsey to J. F. G. Bentley, makes a long statement in regard to the locations for public building in north and south Springfield, the political features in the case; and states that confirmation of the St. Louis and Jefferson streets site will displease four-fifths of the people.

No. 214-R (October 16, 1889).—E. D. Parce, city treasurer, to the supervising architect, states that he and the recorder were the only two Republicans elected in the city at the last election, and that previous to the election they plainly stated their views in favor of a more central site for the public building, and he candidly believes that the best interests of the city will be promoted by locating the building on Boonville street, near Center street, etc.

No. 213½-R (October 16, 1889).—W. S. C. Dillard, county assessor, to the supervising architect, states that location of building on Pine street, or between Pine and Center streets, would not injure the Republican party, but on the contrary have a tendency to advance its interests.

No. 215-R (October 16, 1889).—J. S. Atkinson, ex-mayor, to the supervising architect, refers to the political features involved, and states that the location of the building at any point on Boonville, between Pine and Center streets, would be of infinite advantage in harmonizing and solidifying the city, etc.

No. 216-R (October 16, 1889).—M. Bowermann, presiding justice, county court, to the supervising architect, states that politics cuts no figure in the matter of location of public building; that a central location would best subserve the interests of the people of the city, etc.

No. 217-R (October 16, 1889).—John Foley, city collector, to the supervising architect, states that to confirm the St. Louis and Jefferson streets site would ruin the future growth of the city, because the action would not be just or fair and would not recognize the wishes of the great mass of the people, the property being at the extreme southwest corner of business; to change it to any point between the two towns, Pine and Center streets will unquestionably suit nine-tenths of the people; touches upon the political features of the case, and says that the location between Pine and Center streets will be indorsed by eleven-twelfths of the people, etc.

No. 259-R (October 16, 1889).—L. T. Hunt to James H. Windrim, makes a long explanation in regard to Mr. Fister's action in selecting the St. Louis and Jefferson streets site, etc.

No. 258-R (October 16, 1889).—A. W. Ollis, president Merchant's Exchange, to supervising architect, introducing Mr. Roulet, and stating that he is familiar with the geography of the city and conversant with the facts and figures in relation to the growth and developments of the city, etc.

No. 218-R (October 17, 1889).—J. W. McCullough, county treasurer, to supervising architect, refers to the political features and states that should the St. Louis and Jefferson streets site be changed in his opinion a location at the corner of Boonville and Pine streets would please a large majority of the people than any other location, and would unite and harmonize the interests of the people.

No. 219-R (October 18, 1889).—G. A. Ramsey to J. F. G. Bentley, states that a committee of fifty citizens can be sent if needed.

No. 262-R (October 22, 1889).—Paul Roulet, affidavit in regard to distribution of capital about the public square and location of true center of business, and other facts bearing on location of public building.

No. 263-R (October 22, 1889).—Paul Roulet, affidavit in regard to the business, capital, and manufactures, churches, school-houses, etc., in the north part of the city, and distances between public square and Boonville and Brower streets, St. Louis and Jefferson streets, and Commercial street.

No. 260-R (October 23, 1889).—Paul Roulet, affidavit in regard to value of the land in the different sections of the city, etc.

No. 340-R (October 23, 1889).—Paul Roulet; plat showing properties along Boonville and Frost streets, subscribed and sworn to by him.

No. 261-R (October 24, 1889).—Paul Roulet, affidavit in regard to statement made by A. C. Woolley of the capital invested and annual business done in and around the four blocks of the public square, and stating his findings on said subject.

No. 279-R (October 23, 1889).—Supervising Architect (James H. Windrim) to Secretary of the Treasury William Windom, making lengthy statement in contradiction and refutation of the statements and allegations made in the paper submitted October 17, 1889, by Messrs. Conger, Thayer, and Coldren, counsel for Messrs. Maynard,

Wholley, and Fearn, which paper contained a series of affidavits by said Maynard, Wholley, and Fearn; replying thereto seriatim; and supporting the statements made in his (Mr. Windrim's) report of October 11, 1889, to Secretary Windom by further facts, affidavits, and other papers, etc.

No. 284-R (October 31, 1889).—John O'Day to J. F. G. Bentley, states in relation to the position of the stockholders of the Exchange Bank on the question of the site, that the capital stock of the corporation is $250,000, of which he holds $101,000, and that he has always and now favors a central location for the public building.

No. 290-R.—J. F. G. Bentley, November 1, 1889, to the Surpervising Architect, incloses statement in verification of his verbal statements.

No. 288-R. (November 1, 1889).—A. H. Rogers, president Springfield Savings Bank, to J. F. G. Bentley, states that he is largely interested as a stockholder in said bank and is heartily in favor of placing public building as near the corner of Boonville and Center streets as practicable, and that he is positive that three out of every four voters in the city would favor said selection against the St. Louis and Jefferson street site.

No. 289-R (November 1, 1889).—J. F. G. Bentley, president, and J. W. Hull, cashier, Bank of Springfield, to the Supervising Architect, state that they are officers of the bank and are fully informed of the opinion of all the stockholders of the bank, and certify that the voice of their capital stock of $100,000 is in favor of locating the building on Boonville street between Pine and Center streets.

No. 287-R (November 1, 1889).—E. T. Robberson and Lee Holland, cashier Exchange Bank, state in regard to the position taken by the stockholders of the Exchange Bank that they hold $42,000 of the stock of said bank, and they are most emphatically in favor of the site on Boonville street, near Center or the northeast corner of Center street and Robberson avenue, near the court-house lot, and feel sure that in less than ten years nearly every unbiased citizen will acknowledge the judiciousness of such a location.

No. 286-R (November 1, 1889).—R. J. McElhany to J. T. G. Bentley, stating that every person owning stock in the First National Bank, all being residents of the city, is in favor of locating the public building on Boonville street between Pine and Center streets.

No. 285-R (November 1, 1889).—E. D. Parce and F. E. Burlingame to J. F. G. Bentley state that they are stockholders in the Central National Bank, and that they believe the interests of the citizens of Springfield would be best subserved by locating the public building on Boonville, between Pine and Center streets.

No. 282-R (November 1, 1889).—J. S. Ambrose, president Commercial Bank, to J. F. G. Bentley, advocates site between Pine and Center streets.

No. 281-R (November 2, 1889).—Paul Roulet makes a long statement in regard to statements furnished by G. A. C. Woolley in regard to annual business around and within four blocks of the public square, and presenting a different statement relative thereto.

No. 280-R (November 1, 1889).—Paul Roulet makes a long statement in regard to the present arrangement of the main and branch post-office, and the difference in the prices of the St. Louis and Jefferson street site and one near the new location, Boonville and Brower streets.

No. 283-R—Hefferman, Riley, O'Day, and Hefferman state that they are stockholders in the Green County Bank, which has a capital of $100,000 and is located on public square, and present their choice for a location in any place on Boonville street between Pine and Center streets.

No. 295-R (November 2, 1889).—J. S. Hefferman, president Springfield Grocers' Company, states that he is ordered by the directors of the company to urge that the public building be placed on Boonville street.

No. 317-R (November 2, 1889).—Springfield Water-Works Company say: "By all means locate public building on Boonville street."

No. 314-R (November 2, 1889).—M. Houston & Co. to Supervising Architect. Says a central location for public building is desired; no stations are necessary.

No. 313-R (November 2, 1889).—J. S. Atkinson to Supervising Architect. Is secretary of Springfield White Lime Company; states that said company wishes building located on Boonville street, and that he owns two-thirds of the stock of said company.

No. 312-R (November 2, 1889).—Mr. Perkins, president Perkins Opera House Company, says, "Give us Springfield public buildings on Boonville street, between Pine and Center streets; no stations; satisfactory to nearly entire population."

No. 311-R (November 2, 1889).—A. R. Sprague, of the Anchor Mills, states: "We favor a central location for public building without stations."

No. 310-R (November 2, 1889).—Queen City Furniture and Carpet Company, to Supervising Architect, states that Boonville street is nearer center and will accomodate everybody.

No. 309-R (November 2, 1889).—F. B. Smith, president Springfield Real Estate

Association, to Supervising Architect, states that said association owns $150,000 worth of real estate and every stock-holder in the company votes for central location for public building.

No. 308-R (November 2, 1889). J. F. G. Bentley, president Bank of Springfield, states that the unanimous expression of the stock-holders is that they in no case want a station on Commercial street, but do want a public building located on Boonville street.

No. 307-R (November 2, 1889).—John McGregor, to Supervising Architect, states that he is informed that the Springfield Hardware Company is recorded in the Department as favoring St. Louis and Jefferson street site; he is president of said company and controls the majority of stock; that he always wanted the Boonville street location for public building.

No. 306-R (November 2, 1889).—D. E. Davis, president Davis Planing Mill Company, to Supervising Architect, says: "Give us a central location for public building and do away with station A."

No. 303-R (November 2, 8981).—H. G. Mosher, president Springfield Car and Foundry Company, to Supervising Architect, states it is the wish of the stockholders of the company, who represent a capital of $50,000, that the public building be located on Boonville street.

No. 302-R (November 2, 1889).—E. H. Dyer, secretary and treasurer Springfield Lumber and Cooperage Company, to Supervising Architect, states that it is the unanimous wish of the stockholders, who represent a capital of about $60,000, to have the public building located on Boonville street.

No. 301-R—(November 2, 1889).—F. A. Haecker, for the Southern Cigar Factory, to the Supervising Architect, states that he favors a central location for Government building, without substations.

No. 300-R (November 2, 1889).—R. J. McElhany, president First National Bank, to Supervising Architect, states that he is ordered by the unanimous wish of the stockholders of said bank to say that they want the public building on Boonville street.

No. 299-R (November 2, 1889).—Short & Shickering, lumber dealers, to Supervising Architect, representing $100,000 business, ask that public building be located on Boonville street.

No. 298 (November 2, 1889).—J. Reilly, president Springfield Ice and Refrigerating Company, to Supervising Architect, states that said company unanimously wish building on Boonville street, and instructs him to make said statement to the Department.

No. 297-R (November 2, 1889).—J. S. Hefferman, treasurer Electric Light Company, states that said company unanimously wish public building located on Boonville street.

No. 296-R (November 2, 1889).—D. E. Davis, president Mechanics' Exchange, to Supervising Architect, states that a central location for public building suits the mechanics of Springfield, etc.

No. 294-R (November 2, 1889).—A. W. Ollis, president Merchants' Exchange, to Supervising Architect, states that the sentiment of Merchants' Exchange continues unanimously in favor of central location.

No. 319-R (November 5, 1889).—A. W. Ollis, president Merchants' Exchange, to Paul Roulet, states that a meeting in South End urged McElhany lot, etc.

No. 327-R (November 15, 1889).—B. F. Hobart, to Supervising Architect, incloses letters addressed to him by G. A. Ramsey and O. W. Ollis, in regard to urging decision in the case.

No. 320-R (November 16, 1889).—Secretary Windom. Decision, stating that after careful consideration of all the facts, arguments, papers, etc., in the case he directs that the proceedings in condemnation against the St. Louis and Jefferson street property be abandoned, and that the property at the corner of Boonville and Brower streets, offered for $20,000 be selected and the proposal for the sale of same be accepted and directing that the papers necessary to carry this decision into effect be immediately prepared.

The fact should be stated that Secretary Windom was engaged in the preparation of his annual report November 16, 1889, but signed the decision on that day, notwithstanding the fact that Hon. G. S. Batcheller was signing as Acting Secretary on that day.

No. 325-R (November 17, 1889).—S. H. Boyd, to Supervising Architect, states that the choice of the Brower and Boonville street site is the choice of Springfield, and that the Supervising Architect's official life in all questions will be as good, as popular, as satisfactory as in Springfield.

No. 345, 1-2-R (November 23, 1889).—G. A. Ramsey, to Supervising Architect, states that the selection of the Brower and Boonville street property meets with the hearty approval from the citizens without regard to their places of business, and almost all say that the lot selected is the very best that could have been selected; the Supervis-

ing Architect and the Secretary of the Treasury have without doubt placed the city under great obligations for righting a wrong and for so justly and satisfactorily settling the complicated question; the justness and fairness of the choice more manifest every day in view of all interested, etc.

No. 329-R (November 25, 1889).—Paul Roulet to the Supervising Architect. States that the Chamber of Commerce has been quoted as supporting the position of Woolley and Minard in the St. Louis papers and explains the position of the Chamber of Commerce in regard to the subject; inclosing affidavit of Charles F. Goffe in regard to the organization of the Chamber of Commerce and its purpose being to exclude any one from membership who was not favorable to the St. Louis and Jefferson street site, etc.

No. 330-R (November 26, 1889).—B. F. Hobart to Supervising Architect. Incloses letter from John Foley, stating that he believes that Mr. Foley's letter will express the sentiment of four-fifths of the people of Springfield; that he imagines that Messrs. Woolley, Peale, Hubbell, Minard, and company, will eventually wear themselves out in the mud-slinging business, and find themselves more thickly covered with this article than any one else; thanks the Supervising Architect for his manhood in standing up and recommending what he believes to be right and correct, instead of submitting to the intimidation of the opposing force; Mr. Foley's letter states that four-fifths of the people are pleased with the selection of the Brower and Boonville street site; that the Chamber of Commerce was organized in favor of the St. Louis and Jefferson street solely to protect the interest of the 50-acre tract of land surrounding the public square in the south side; that some citizens have thought it advisable to call a meeting to denounce Messrs. Woolley and Minard's statements, etc.

No. 334-R (December 30, 1889).—E. H. Carvins, of Bloomfield, Ind., and John J. Squires, of Taylorsville, Ill., make a long statement to the President in regard to the matter of site, etc.

No. 345. R (March 25, 1890).—Hon. W. H. Wade, telegram to Supervising Architect, asks: "Has draft for payment site public building at this place been forwarded, if so, when? Answer."

No. 346-R (March 31, 1890).—G. A. Ramsey, to Supervising Architect, states that he sees by the Associated Press dispatches, published in the St. Louis Republican, that A. J. Minard and G. A. C. Woolley have been before the committee appointed to investigate the question of public building in Springfield; if they make the statements imputed to them they should both be prosecuted for perjury; offers to furnish any evidence that is wanted; states that the people, with the exception of about twenty men, are thoroughly satisfied with the selection of the property at Boonville and Brower streets, and assures the Supervising Architect that they are not in sympathy with the methods of the disgruntled few, and asks him to let them know if there is any evidence he wants.

No. 352 D-R (April 1, 1890).—Paul Roulet and Lewis Lambelet, affidavit, state that they bought of Patrick Hayes, February 24, 1888, a tract of land 40 feet front on the west side of Boonville street, opposite the Government building site, and that they paid cash for said 40 feet $4,200; they bought also, on March 5, 1888, from Mrs. C. L. Johnson and her son, T. J. Johnson, a lot of 30 feet frontage adjoining on the south the above-mentioned 40 feet, and paid for said 30 feet the sum of $3,000, on which lot was an old frame building of no value whatever.

No. 358-R (April 2, 1890).—J. O. Churchill makes affidavit contradicting the statement that Mr. Windrim won money from Powell Clayton at cards in going from St. Louis to Springfield, and stating that he did not play cards, and that cards were not introduced, etc.

No. 358-R (April 2, 1890).—J. O. Churchill to Supervising Architect. Acknowledges the receipt of Mr. Windrim's letter of the 31st., etc.; states that he was in hopes that the Senate committee would summon him to Washington, as he is anxious to go there; the statement made against Mr. Windrim is one of the most infamous slanders that has been gotten up during the present administration; he sends a clipping from the Sunday's Republican; Mr. Hobart and Mr. Kerens are in California; he will try to reach them as early as possible; will send to-morrow's Globe; Clayton says he will come on if needed and so will I.

No. 354-R (April 2, 1890).—Powell Clayton makes affidavit against the truth of the allegations that Mr. Windrim won money at cards in his trip from St. Louis to Springfield, etc.

No. 352 E-R (April 2, 1890).—Conrad Eckas, affidavit, states that about two years ago he purchased from Rosina Kellett, a lot of land on the west side of Boonville street, corner of Brower street, in Springfield, being 78½ feet frontage on Boonville street, for which lot he paid the sum of $105 per front foot; that he purchased the ground for business purposes, and with no thought of the Government building; that he had in contemplation the erection of a building block five stories and basement, occupying the whole said front, and in the anticipation of that improvement has re-

cently made sale of an extensive stock of merchandise, and confidently expects to begin work on the proposed improvements at an early day.

No. 352 C–R (April 2, 1890).—Jerome T. Gray, affidavit, states that he is the owner of a lot of land on the west side of Booneville street between Brower and Center streets, in Springfield, 50 feet front by about 150 feet in depth; he has been the owner of the same for about five years or more; that at no time within the past two years would he have offered said property for sale at a price less than $100 per front foot, and within the last six months he has refused an offer of $6,000 for said 50 feet, and that the building on said lot could not be sold for more than $300.

No. 352 B–R (April 2, 1890).—R. A. Ollis, affidavit, states that on May 1, 1888, he purchased a vacant lot 33 feet front on Boonville street, corner of Brower street, in Springfield, and paid $3,300 for the same.

No. 350–R (April 2, 1890).—A. W. Ollis, president Merchants' Exchange, telegram to Supervising Architect, states: "Can furnish sworn proofs of actual values on Boonville street, as shown by sales for last two years if wanted; answer."

No. 352–R (April 2, 1890).—A. W. Ollis to Supervising Architect. Offers assurance of sympathy for the onslaught the godless southsiders are making upon you; as a proof of property values on Boonville street he incloses some affidavits; will forward more to-morrow; plenty can be obtained; the fact that the land purchased for the Government actually cost $3,300 more than was paid for it by the United States ought to have some bearing upon the case as regards value; will get an affidavit to that effect; incidentally, it may be of interest that the Republicans yesterday elected E. D. Parce mayor of Springfield; Mr. Parce is a pronounced center man, resident of the north end; large majority.

No. 352 A–R (April 2, 1890).—G. A. Ramsey, affidavit, states that on the 10th day of July, 1889, he purchased from J. L. & J. S. Boarman a lot of land 36½ feet front on Boonville street, between Center and Brower streets, in Springfield, as shown by the recorded plat, and he paid $4,200 for the same; that he bought this property for business purposes at a time when the public building seemed to be located on Jefferson and St. Louis streets, at which time the property was the cheapest property on Boonville street between Center street and the square; that he does not believe that any property between Center street and the public square on Boonville street could have been purchased at any time during the past year for less than $100 per front foot.

No. 348–R (April 2, 1890).—J. O. Churchill to Supervising Architect, telegraphs: "Clayton's affidavit and mine go forward to-night; Kerens and Hobart in California."

No. 359–R E. T. Robberson, J. F. G. Bentley, A. L. McElhany, A. Demuth, Charles H. Goffe, G. A. Ramsey, T. E. Burlingame, A. W. Ollis, E. D. Parce, Paul Roulet, L. T. Hunt, Joseph Wills, and John McGregor make affidavit concerning the facts connected with Mr. Windrim's acts and doings October 1, 1889, while examining the question of site in Springfield, Mo., and setting forth statements directly contradictory of many of the statements given by Messrs. Woolley and Minard and others in their testimony before the Senate investigating committee.

No. 361—R (April 3, 1890).—A. W. Ollis to Supervising Architect, states in telegram: "If necessary summon Frank Hefferman, John Foley, Joseph Wills, Robert L. McElheny, S. M. Houston, Paul Roulet, B. U. Massey, G. A. Ramsey, T. E. Burlingame, and James Kirby. This confirms telegram sent to you to-day; I would add my own name but can not well leave the city at present, and could furnish no additional testimony to that which may be obtained from the parties named."

No. 347—R (April 3, 1890).—G. A. Neal, United States district attorney, to Secretary of Treasury, telegraphs: "Drafts delivered some days since in Springfield building site."

No. 349—R (April 3, 1890).—A. W. Ollis, president Merchants' Exchange, telegraphs Supervising Architect: "If necessary summon Frank Hefferman, John Foley, Joseph Wills, Robert L. McElheny, P. M. Houston, Paul Roulet, B. U. Massey, G. A. Ramsey, T. E. Burlingame, and James Kirby."

No. 356—R.—J. F. G. Bentley (April 4, 1890) makes affidavit that there was no card playing or gaming of any sort in the car, and the subject of cards or games was not mentioned on the trip from Springfield to St. Louis.

No. 353 A–R (April 4, 1890).—E. T. Robberson makes affidavit that he sold to G. L. Boarman 6 feet off of the south side of lot 2, and 19 feet off of the north side of lot 3, in John Waddill's addition to Springfield, Mo., for $2,500 cash; said lot being about 300 feet north of the site selected for the Government building on the east side of Boonville street.

No. 356–R (April 5, 1890).—J. F. G. Bentley to Supervising Architect, states: The villainy of those liars is certainly without parallel; the city of Springfield is ashamed of them; I take pleasure in making the affidavit which is inclosed, and if we could do you any good one hundred would come to Washington at our expense to testify to the fact that Minard, Wooley, and Company are liars.

No. 353–R (April 7, 1890).—A. Demuth makes affidavit that he purchased a lot 60½ feet front on Boonville street between Brower and Center streets, and nearly opposite the site for the public building, corner Boonville and Brower streets, and that he paid $6,250 therefor; that said purchase was made March 15, 1888; that said premises have a small home thereon, upon which he has been enabled to get an insurance of $300, and that when he purchased said lot he regarded the improvements as of no value and that the purchase was made thinking the Government building would go elsewhere.

No. 357–R (April 7, 1890).—St. Julien B. Dapray makes affidavit that he accompanied Mr. James H. Windrim in his trip to Springfield; was with him constantly, and that Mr. Windrim did not play cards with Mr. Powell Clayton or with any other person on said trip.

No. 359–R.—A. W. Ollis (April 7, 1890), to Supervising Architect, states that the secretary of the merchant's exchange thought possibly a sworn statement concerning the acts and doings of James H. Windrim in Springfield, as viewed by the people, might be serviceable, and they hand one herewith; states who the affiants are, etc.

No. 360–R (April 7, 1890).—R. C. Kerens and B. F. Hobart, telegraph Supervising Architect: "Just returned from California. How can we refute the infamous attacks and lies about you and ourselves in the Springfield matter? Will send our affidavits, and have Bentley and others do the same if desired."

No. 355–R (April 8, 1890).—R. C. Kerens states that Mr. Hobart and he have just returned from California, and upon their arrival were astonished to find to what depths of infamy the opposition at Springfield had gone to defame you and us in the matter of the public building there. The man Minard, who it is asserted made these false statements, is a man of bad character, and enough can be proven against him to impeach anything he might say; encloses an affidavit of Mr. Hobart and himself which you are at liberty to use or place on file with the committee or elsewhere, as you may deem best. As wired you yesterday, we will have Mr. Bentley and many others give their testimony if it is desired. What an infamous set of scoundrels these disreputable Democrats are, trying to turn right into wrong! What a set of liars.

355–R (April 9, 1890).—R. C. Kerens and B. F. Hobart make affidavit in contradiction of the allegations that James H. Windrim won money from Powell Clayton at cards.

In re. Site public building, Springfield, Mo., in favor of St. Louis and Jefferson street site.

37–R (December 18, 1888).—George M. Jones to Colonel Fister, states in regard to St. Louis and Jefferson street site that it is on the corner of two principal streets; it is on the main street car line; it is in a clean, quiet, and delightfully situated part of the city; it is nearer the public square than any other lot offered; it is quite near the Phelps avenue depot of the Frisco road, which road probably brings to the city three-fourths or seven-eighths of the mails; in his deliberate judgment it is the most desirable lot, all things considered, that has been offered, etc.

35–R (January 8, 1889).—Thomas D. Fister to supervising architect; submits official report upon his examination of the various parcels of land offered as a site, and recommends the selection of the property offered by Woolley, Porter, and Hubbell, at the corner of St. Louis and Jefferson streets.

46–R (January 11, 1889).—Newspaper clipping from the Republican, favoring St. Louis and Jefferson street site.

47–R (January 11, 1889).—George M. Jones states in regard to St. Louis and Jefferson street site that it is, in his opinion, the best and most appropriate one of all the sites offered, etc.

48–R (January 11, 1889).—Woolley, Porter & Hubbell refer to the Leader publishing what purports to be a telegram from Mr. Fister announcing the selection of the St. Louis and Jefferson street site; believe that the selection will give better satisfaction than any other location offered; will satisfy a large majority of the business men, and is a much more important business enterprise than any other site offered; the article is a mild-tempered and satisfactory explanation of the situation; the meeting held last night to remonstrate against the selection was not a representative meeting; many attended from motives of curiosity; the resolutions were prepared by interested parties; the resolution that the building should be erected on the corner of Boonville and Pine streets was amended to read Boonville and Center; there has been no change in the situation since you (Fister) was here; the meeting you (Fister) attended at the board of trade was of representative men; the question was ably and fully discussed; the resolutions adopted by the alleged mass-meeting are full of misstatements and errors; they take the decision as final; it will be satisfactory to three-fourths of the business men; there is no good to be gained by further wrangle; the sooner the matter is settled so that it can not be changed the better for the business interests of the city; if the matter is opened to further discussion they will send men and statistics to Washington that will show

to disinterested parties that the location suggested is in every way suitable and satisfactory to the majority of business interests; they appreciate the ability displayed in the delicate and difficult mission, etc.

49—R (January 12, 1889).—A. G. Lewis, P. M., to Colonel Fister, advises him of the receipt of telegram announcing location of site for public building, and thanks him for his prompt decision, and says it will give full satisfaction, etc.

51—R (January 14, 1889).—F. M. Cockrell to Colonel Fister, incloses letter addressed to him by Geo. M. Jones, dated January 11, 1889, stating that he learns through a telegram from Mr. Fister to the Leader that the selection of the site is corner of St. Louis and Jefferson streets; in his opinion no better selection could have been made, and in the future the wisdom of it will be conceded; protests and appeals to you and Colonel Wade will probably be made to interfere with carrying out Mr. Fister's report, but they will have no arguments that are potential and which were not carefully weighed while he was here.

54—R (John E. Phelps to Colonel Fister, January 18, 1889).—Advises him that he learns that the selection of a site at St. Louis and Jefferson streets has been announced, and congratulates him; in his opinion it is the best of the thirty-three offered, and would please all the people of Springfield except a few land owners, option-buyers, etc.

55–R (January 19, 1889).—L. H. Murray to Colonel Fister writes, at request of a number of good citizens, to make an unbiased statement in regard to the situation. There is a bowl from Center street stockholders and their friends that it is too far south, and that Boonville and Pine street men were pushing their location with vigor, with a small increase of friends, after it is too late to expect it farther north. As to the old part of the town, south of the railroads, there is but one opinion, and that is of approval, including those who desired it west and south of public square; all say you did just what you said you would in the open meeting—locate it as near the business center as the business men would allow you to do. Since you selected the very nearest lot to the public square what else could they do but approve your action. It is said on the street that the north side stockholders have bought off one of the parties interested in a portion of the land you have selected, and that he will not make a deed to the Government unless they pay him an outrageous price; in other words, they expect to defeat your location by this means, and compel you to make another offer north, nearer their lands; some of those men would do almost anything to defeat your purpose; if their statements be true, another lot offered south of the railroads would be heartily indorsed by nineteen-twentieths of the people living south of said roads, and by many others scattered north, especially on Commercial and Pine streets, as against Center street, etc.

56–R (January 19, 1889).—Thrasher, White, and McCammon, to Colonel Fister, express appreciation of his act and good judgment in the location of the site; believe he did the right thing; that the selection made would give the Government the very best possible location offered, and the people (or the great majority of them) satisfaction, etc.

60–R (February 2, 1889).—Woolley, Porter & Hubbell, to Colonel Fister, advise him that they hear of a great many rumors regarding an effort being made to change the location of the public building; they have paid no attention to the reports, their position in the matter being just this: They obtained the consent of all the owners of the property in question, with price fixed; they raised the money to pay for the ground, with the full understanding and approval of all the owners; they offered the ground to the Government for a dollar; the Government accepted, it and they are now working under instructions in getting up title at considerable expense; they have had no public meetings to pass resolutions of approval and endorsement, but they can have them if desired; they will send a delegation to Washington to submit petitions and arguments to show that the location made is the very best that could have been made; having offered the lot in good faith they ask if there is to be any hearing or argument, or if there is any probability of any change being made, that they have proper notice; a large majority of the professional and business men are pleased; the opposition is gradually but certainly dying out, and the wisdom of the selection will be demonstrated without doubt in the near future.

61–R (February 2, 1889).—George M. Jones to Colonel Fister states that he sees the Department is being besieged by the North End folks just as he supposed it would be; he (Fister) is familiar with the surroundings and the character of the opposition to the present site and he hardly thinks anything further necessary, but if anything is needed confirmatory or any additional evidence of the wisdom of his (Fister's) choice it will gladly be furnished.

62–R (J. C. Cravens to Colonel Fister, February 5, 1889).—Advises him that after the announcement of his report on location of building and the approval thereof by the Secretary, the people generally and by a large majority cheerfully surrendered all personal or individual preference and acquiesced in the action, supposing that the matter was finally settled and thereafter gave no further consideration to the subject;

recently a committee representing the Center street syndicate and some of the north-siders have visited Washington, and they announced that they accomplished the object of their mission and that the public building is again "on wheels;" if that is true, we should be glad to know it, etc., refers to other locations, etc.

75-R (March 4, 1889).—Petition signed by about fifty, stating that the St. Louis and Jefferson Street site is central to business, suitable for the purpose, and very satisfactory.

76-R (March 4, 1889).—Petition signed by about twenty-five, stating the same as above.

148-R (March 4, 1889).—Petition signed by about three hundred, stating that the site at St. Louis and Jefferson streets is central to business, suitable for the purpose, and the best that could have been made.

78-R (March 9, 1889).—Woolley, Porter & Hubbell to the Secretary of the Treasury, inclose small marked map showing the banks, land office, hotels, board of trade, signal-service office, school buildings, etc., and make a long statement in regard to the case. They offered the property for a dollar; were notified of the determination to purchase it. They prepared the abstract of title. It was approved by the district attorney. It was forwarded to Washington to the Attorney-General. They have had a great many newspaper rumors to the effect that the site was finally accepted, or canceled, or would be investigated, but have had no information from any official source. The property is not all theirs. They have the deeds from the various owners, which will be found with the title papers, but it will be unfortunate for them to have the papers withheld without final action for any length of time. The property, while deeded to the Government for a dollar, actually cost about $23,000, which amount the business men and property-owners have agreed to pay the various owners when the title to the land is vested in the United States. Ask the Department to act as speedily as possible. The agent who selected the site is in possession of all the facts regarding the property selected. They are informed that a formal and extravagant protest against the location is filed in the Department, and to offset such a protest they have very hastily prepared and submit an indorsement from the principal business men; also a small map. The selection made was undoubtedly the best. It is convenient to existing business interests, high ground, prominent corner, on the main-street car line, convenient to gas, water, and sewerage. The indorsement of the location is by the business men, and is not complete by any means; can easily send double the number. No attempt has been made to secure names to make a large paper, etc. It is just and right that final action should be taken as promptly as is consistent with responsibility, etc.

342-R (March 23, 1889).—Attorney General W. H. H. Miller to the Secretary of the Treasury, expressing the opinion that, subject to certain conditions, the abstract of title and deeds of conveyance of the St. Louis and Jefferson Street property are sufficient to pass a good and valid title to said property to the United States.

149-R (Messrs. Woolley, Porter & Hubbell to the Secretary of the Treasury, March, 1889),—Submit paper containing copy of proposal, letter of acceptance of proposal, and make a long statement in regard to the history of the case and their action, the merits of the location, etc.

101-R (April 22, 1889).—L. G. Bennett to Hon. William Windom; asks for information as to the status of public building case; there is much uncertainty in the minds of the people relative to its location, some asserting that the site will be changed, which is detrimental to the many business enterprises; thinks no improvement could be made by making a change; it is within one block of the public square and business center of the city; it is on a line of street cars, as well as electric and gas lights, and water mains; the facilities for drainage and sewerage could not be improved; and nine-tenths of the people are satisfied with the location.

108-R (May 3, 1889).—L. W. Hubbell to Secretary of the Treasury, incloses letter of introduction from Hon. D. C. Leach, and makes a statement in regard to the case, stating that although the St. Louis and Jefferson street property was offered for $1, it cost the firm of Woolley, Porter & Hubbell about $23,000, which amount was raised by subscription of a large number of interested citizens and business men; the owners of the land, having made their deeds to the United States some three months ago, now demand their money, but not a dollar can be collected from the subscribers until title is vested in the Government, etc.

112-R (Woolley, Porter & Hubbell, May 6, 1889).—Make a long statement in regard to the case.

113-R (May 8, 1889).—Woolley, Porter & Hubbell to Mr. J. H. Windrim, make a long statement in regard to the matter of delay in determining site question.

114-R (May 9, 1889).—Woolley, Porter & Hubbell to Mr. J. H. Windrim; state that the Supervising Architect informs them that he is ready to present for consideration papers and statements covering the Springfield, Mo., site case; the matter is one of serious importance to them; make a personal appeal for a few moments' attention; state that an adverse decision would be a most grievous injury to them, but

if made promptly would not be as bad as continued delay; speak of the peculiar circumstances of the case, for which they are not responsible, etc.

120–R (May 15, 1889).—Hon. W. H. Wade introduces G. H. Peale as an excellent citizen worthy of consideration by those whom he may meet; as an enterprising citizen he is exceeded by none, and his statements can be relied upon; as a Republican he is in accord with the party; and as a political speaker has few equals and no superiors in the State; he can but say that he is a citizen and a Republican of the first order.

121–R (May 15, 1889).—(Hon. R. W. Thompson and R. W. McKeen to the Secretary of the Treasury, introduces G. W. Peale of Springfield, Mo., as a gentleman of intelligence and worthy of highest consideration and respect, etc.

126–R (May 20, 1889.—G. P. Peale to the Secretary of the Treasury; states he is a resident of Springfield, Mo.; all the protests against the site selected come from his part of the city; the difference between the business centers known as Springfield and North Springfield is 1¼ miles; five-sixths of the business of the square and within two blocks each way radiating therefrom, while on South street, St. Louis and Water streets, all the wholesale and jobbing business of the city is located; fully one-half mile north of the public square is where those who protest against the present site would locate the building, at or near Center street; only a play-house and city building are located there, except residences, and that site is three-quarters of a mile from Commercial street, the only business street on the North Side; the building should be located so as to accommodate the business; the site contemplated by those who protest is fully one-half a mile north of the business portion of Springfield; also north of all railroads; fully three-quarters of a mile south of those who do business on Commercial street, North Springfield, and it is adjacent to no business whatever; the site selected is within one block of the public square, and within three blocks of five-sixths of the business of the entire city; it is a beautiful piece of ground, high and convenient, situated on Belt-street car line, two blocks off one depot and four blocks off the other; no finer site with reference to drainage could possibly be made in the city; there is a subpost-office situated on Commercial street, very central with reference to all the business in that part of the city; has talked with scores of citizens who have signed numerous protests against the present site, and they as far as spoken to say that they had not given the matter serious consideration, but so apparently intense is the feeling of sectionalism that on general principles they signed the protests when presented by North Side manipulators and real-estate stockholders; believes that with proper instruction and inducement to serious thought local prejudices and sectionalism of North Side neighbors 10 per cent. would not stand by their protests; no one will be benefited except a few real-estate stockholders and a few who chance to own largely the ground in and around Center street.

Nearly all the buildings, real estate and otherwise, are north of Center street, and while a change would temporarily benefit him in disposing of his property, he feels that it would be a calamity to the city in a business way; even the hesitation is having a depressing effect and encouraging speculators in north suburban and Center street properties to induce the overcredulous to invest at fictitious prices; large monetary inducements to his knowledge have been made to them who claim to be accessible to those who are in power, conditioned, however, by their success in changing the present location; heavy bets are being made that the site will be abandoned; the bluff and bluster is demoralizing and depressing to the whole interests of the whole city; if a change be made, the site selected should be adjacent to Commercial street, North Springfield, and give them an official station in the center of their business, rather than on Center street, which would accomodate no one; the idea of five-sixths of the business men deferring to one-sixth should not be considered for a moment; earnestly protests against a change of the site, etc.

128–R (May 25, 1889).—Petition signed by about twenty-five, same as the following (No. 129–R).

129–R (May 25, 1889).—A. J. Minard to the Secretary of the Treasury; petition signed by about fifty, stating that the siguers are informed that the filing of deed to St. Louis and Jefferson street site is delayed to give an opportunity to make inquiry regarding the suitableness of the location; the site named is a very valuable piece of property on one of the most prominent corners, convenient to a large majority of the commercial interests, and will, in their judgment, give satisfaction to a larger number of the business men than any other location that has been offered or suggested.

131–R (May 23, 1889).—G. P. Peale, to the Secretary of the Treasury, states that he has been in the city nearly two weeks, and on last Saturday the Supervising Architect informed him that just as soon as Assistant Secretary Batcheller returned the Springfield site case would at once be taken up and settled; he further said that he thought the matter would be reached by Thursday; he (Peale) wired the information to Springfield; the business men had a rumor that an attempt was being made to compromise the matter in selecting the McElhany lot on Boonville street instead of

the present one, or the Center street corporation, and thinking the matter would come up to-day, they had only a few hours to get expressions from the business men in order to mail them in time to reach Washington on time Tuesday; this list could be multiplied many times had time been given, but they are from the leading and most conservative and most influential citizens in the city of Springfield, representing every business interest in the city; trusts that the statements will have merited weight, etc., since such a comparison would involve precisely the same trouble as the Center street protestors first asked for, namely, compelling the carrying of all railroads entering the city, and prospectively to enter, by every business man in Springfield proper, over 300 business houses would thus be compelled at this merciless inconvenience to get their mail and seek transit by street cars, or else wait on the slow process of postal delivery, which is quite insufficient in small cities, etc.

130–R (May 28, 1889).—G. P. Peale, to Secretary of the Treasury, makes a very long statement in favor of St. Louis and Jefferson street site.

132–R (June 1, 1889).—G. P. Peale submits a long statement concerning delay in determination of the question, and in regard to the merits of the St. Louis and Jefferson street site; urges an early settlement, etc.

133–R (June 3, 1889).—G. P. Peale, to the Secretary of the Treasury, incloses newspaper clipping and makes a long statement urging the determination of the question.

136–R (July 3, 1889).—Charles and William B. King, to the Secretary of the Treasury, signing themselves as solicitors and attorneys for certain citizens of Springfield, Mo., make a statement in regard to the St. Louis and Jefferson street site as being satisfactory, etc., and request, in order to aid them in removing any apparent obstacles in the way of obtaining perfect title, that they be afforded an opportunity of inspecting so much of the record and proceedings in the case as may be deemed proper. On the back of this letter is indorsed by the Secretary of the Treasury that unless the Supervising Architect knows of some objections he will please permit Mr. King to see the papers referred to. The matter was orally explained to the Secretary by the Supervising Architect's office, and after becoming acquainted with the status of the case, he decided that Messrs. King could not see the papers at this time.

146–R.—Plat left by G. P. Peale, showing distances from public square north and south.

181–R (July 18, 1889).—R. L. Goode, to the Secretary of the Treasury, states circumstances under which the agent selected the St. Louis and Jefferson street site. It is there the center of busines, conveniently situated with reference to the best hotels, well drained, with a north and east front, and with every advantage as a building site. No other site has its advantages. A lot of schemers and real-estate boomers were actively trying to further their own interests by locating the building elsewhere. No valid reason can be offered why the site selected is not eligible. If the Government desires to place the building near the business of the town and not in the geographical center there is no reason why any hesitation should be shown in placing the location. Center street, the place where the parties who have been pertinacious in securing the site, never did have any business on it and has not now. The property in the vicinity has been bought up by a very few speculators and is in the hands of a very few men, who are trying to boom it by getting the building put there. The street railroad company wish to have the house placed there because it will be most profitable to the line. The site is very poorly situated with reference to hotels. There is not a business establishement of any consequence in two blocks of it. To put the house there would be an outrage to the general public—in the interest of a gang of schemers who have never put a cent in the permant improvements of the city, etc. Residences are numerous, thick between Center street and the business part of the city, etc. There is absolutely nothing to be said in favor of the site except that it is near the geographical center of the town, and nothing is said against the site chosen by Mr. Fister except that it is not. The great bulk of business interests is satisfied with the selection; it will be handy for business, for judges, for witnesses, jurors, and lawyers. If moved to Center street it will make it well-nigh impracticable for attorneys having business in the civil courts of the city to appear in the Federal courts. Property has changed hands and money invested on the strength of Fister's location, etc. No fair-minded man can look over the town and conscientiously say that it is bad. The suspense hurts the town, the St. Louis and Jefferson street site is in every respect a good one, and the Government would commit a grievous injustice by changing it, etc.

178–R (July 17, 1889).—George A. C. Woolley to Mr. Windrim, supervising architect, telegram: "Will start for Washington to-night; withhold action until I arrive."

179–R (July 18, 1889).—George W. McCrary to Hon. William Windom, Secretary of the Treasury; telegram advises him that Messrs. Woolley and Peale will be in Washington Monday next to be heard respecting selection of site for public building, and desire that no action be taken until they can present important evidence now in their hands and be heard.

183–R (July 18, 1889).—George W. McCrary to Colonel Tichenor; introduces George

A. C. Woolley and G. P. Peale, who desire to be heard on the question of location of public building; asks that an agent be sent to look over the ground and ascertain the facts, etc.

184–R (July 18, 1889).—George W. McCrary to Hon. William Windom, Secretary of the Treasury; introduces G. A. C. Woolley and G. P. Peale, who desire to be heard in behalf of themselves and numerous citizens; he is thoroughly convinced that the selection made is the best that can be made and ought not to be changed; the change now insisted upon would be injurious to the public interests and would involve great inconvenience; he has no personal interest whatever in the matter, and is not employed in any way, but desires that the action of the administration shall be such as to give the greatest possible satisfaction; of course there will be some to complain whatever is done, but it is best for all concerned that the interests and convenience of the majority of the business men should be consulted; suggests that an impartial and thoroughly honest special agent be sent to examine the facts.

182–R (July 25, 1889).—George A. C. Woolley and G. P. Peale, inclosing telegram dated July 23, 1889, from George W. McCrary, stating that the Government can take bond of citizens to re-imburse or indemnify it, whether site is condemned or not, etc.

185–R (July 30, 1889).—Attorney-General W. H. H. Miller to the Secretary of the Treasury, expressing the opinion that payment of the costs and damages which may accrue and be awarded in proceedings in condemnation may be lawfully paid by the persons named, or by other citizens of Springfield, and title to the Government obtained, etc.

186–R (July 31, 1889).—James W. Silsby, United States district court clerk; telegram states that affidavit of W. G. Porter, jr., of the firm of Woolley, Porter & Hubbell, and T. B. Hubbell, of the tender of $8,000 to the Scott Investment Company as purchase money for lot sold to the Government and they refused to accept, mailed July 31, 1889.

187–R (July 31, 1889).—James W. Silsby, United States district court clerk, to the Secretary of the Treasury, inclosing affidavit of W. G. Porter, jr., and T. B. Holland, stating that they have made a tender of $8,000 to the Scott Investment Company for the purchase of a lot at the corner of St. Louis and Jefferson streets, which sum the company refused to accept.

188–R (August 1, 1889).—W. G. Porter, jr., to G. A. C. Woolley; telegram stating that Scott Investment Company meeting called for 3 o'clock Friday afternoon.

189–R (August 1, 1889).—James W. Silsby, United States district court clerk to the Secretary of the Treasury, incloses affidavits of directors of Scott Investment Company, together with others in regard to the tender of the purchase money by Woolley, Porter & Hubbell for the Scott Investment Company's lot at St. Louis and Jefferson streets, and their refusal to accept the same.

190–R. (August 2, 1889).—James W. Silsby, United States district court clerk; telegram states that T. B. Holland, W. G. Porter, jr., and four directors of Scott Investment Company have signed affidavits before him that tender of $8,000 for lot at St. Louis and Jefferson streets, and that the same was rejected by a meeting of the directors called for such purpose, four voting in favor and four against accepting the tender.

203–R. (October 1, 1889).—L. W. Hubbell to Mr. J. H. Windrim states that a committee of business men and citizens will call on Supervising Architect Windrim at 9 o'clock, October 1, in Springfield.

223–R (October 1, 1889).—G. P. Peale makes a long statement to the President of what he understands to be the history of the case.

221–R (October 2, 1889).—James Abbott, chairman Republican committee, to Secretary Batcheller, makes a long statement favoring the St. Louis and Jefferson streets site to prevent any further discord; refers to political features, etc.

222–R (October 9, 1889).—Petition signed by a great many merchants and citizens in favor of the St. Louis and Jefferson streets site.

220–R (October 10, 1889).—Petition telegram from a number of property holders, bankers, and merchants; asking a confirmation of the St. Louis and Jefferson streets site.

264–R (October 17, 1889).—Conger, Thayer & Coldren to the Secretary of the Treasury; long written and printed argument and statement and affidavits of A. J. Minard; A. R. Fearn, and G. A. C. Woolley, criticizing the supervising architect, replying to his report, making charges against the supervising architect, and presenting the merits of the St. Louis and Jefferson streets site, etc. For details of statements, arguments, etc., see the papers.

224–R (October 1, 1889).—G. A. C. Woolley (handed to supervising architect in Springfield); tabulated statements in regard to the business done in and around public square.

342–R (March 23, 1889).—Attorney-General W. H. H. Miller to the Secretary of the Treasury, expressing favorable opinion in regard to the validity of title to the St. Louis and Jefferson streets property, subject to certain conditions.

58-R (January 23, 1889).—Woolley, Porter & Hubbell to Colonel Fister; state that there has been a decided change for the better regarding the site situation; offer assurance that the site selected will without any question give much the best satisfaction; there is a remnant of personal spite, resulting largely from disappointed real-estate stockholders and real-estate interests, which were plainly manifested by the resolutions of disapproval adopted by the city council; states that they will forward a copy of the resolutions with the certificate from the clerk; that out of the sixteen members composing the council only nine voted for the resolution, five voting against its adoption and two were absent; they have already inclosed a statement from one of the absent men that he would have voted against the adoption of the resolution had he been present, and from their personal knowledge regarding Mr. Smith's sentiment (the other absent member) he would have voted against the adoption of the resolution; thought it best to give the facts in regard to the above, etc.

225-R (July 13, 1889).—A. F. Ingram, treasurer Springfield Savings Bank; statement in regard to business of banks located near public square; and in his opinion the St. Louis and Jefferson streets site is the best that could have been selected for a large majority of the business men.

226-R.—L. H. Murray (July 13, 1889) makes affidavit in regard to the business of the bank located near public square, and stating that nine-tenths of the business transactions of the city is done within four blocks of St. Louis and Jefferson streets.

227-R (July 13, 1889).—George M. Jones, president Greene County Bank, makes affidavit in regard to the business of the bank located on public square on Boonville street, and states that St. Louis and Jefferson streets is the very best location that could be made.

229-R (July 13, 1889).—J. D. Sheppard, cashier Central National Bank, makes affidavit in regard to the business of the bank located one block north of public square, and expressing the opinion that the St. Louis and Jefferson streets site is the very best selection that could be made.

231-R (July 13, 1889).—J. T. Keet, president of Keet Roundtree Mercantile Company, in regard to the business of the bank located 200 feet from public square, on Boonville street, and stating in his opinion the St. Louis and Jefferson streets site is the best that could be made for the accommodation of the business of the city.

232-R (July 13, 1889).—G. D. Milligan & Son, wholesale grocers, make statement in regard to their business, located southeast corner public square, and state that the St. Louis and Jefferson streets site is the very best that could be made, etc.

233-R (July 13, 1889).—A. A. Baldwin, treasurer of Richards & Baldwin Hardware Company, makes affidavit in regard to the business done by said company.

234-R (July 13, 1889).—Rogers, Baldwin & Co., make statement in regard to their investments around the public square, and express favorable opinion in regard to St. Louis and Jefferson streets site.

230-R (July 13, 1889).—Wm. D. Sheppard, cashier of Commercial Bank, makes affidavit in regard to the business of the bank located southeast corner public square, and states that the St. Louis and Jefferson streets site is the very best selection that could be made.

235-R (July 16, 1889).—H. D. Silsby, Stove and Hardware Company, makes affidavit in regard to business and investments of said company located one block from St. Louis and Jefferson streets site.

228-R (July 17, 1889).—T. B Holland, of the banking-house of C. B. Holland & Son; statement in regard to the business of the bank, and states that in his opinion the St. Louis and Jefferson streets site is the very best that could be made, and will accommodate nine-tenths of the business community.

236-R (July 18, 1889).—D. M. Noe, to the Secretary of the Treasury, makes a statement in regard to the business of said company within 200 feet of St. Louis and Jefferson streets site; expressing the opinion that St. Louis and Jefferson streets site is the most suitable for business interests.

237-R (July 18, 1889).—A. J. Vanlandingham, assistant general freight agent K. C., Ft. S. and M R. R. Co., makes statement in regard to the freight delivered to jobbers in Springfield and out of Springfield, etc.

250 (August 25, 1889).—Newspaper article and cut showing location of St. Louis and Jefferson streets.

244-R (September 17, 1889).—G. P. Peale submits a long statement in regard to the case.

240-R (September 20, 1889).—Copy of Springfield Daily Leader, editorial in regard to the matter of site.

241-R.—Small marked map of the city.

243-R (October 8, 1889).—Hon. John W. Noble, Secretary of the Interior, introduces Messrs. Woolley, Fearn, and "Milard," and states that they have the matter of location of the public building much at heart, and expresses the thought that the matter may be one of political import.

239–R (November 1, 1889).—Small map showing railroad depo
school-houses, banks, hotels, etc., around public square.
238–R.—Small map of the city (handed to Mr. Windrim in Spr
1, 1889).

292–R (November 5, 1889).—Hon. John W. Noble, Secretary of
that he does not know what to do with the telegram sent him; re
tary of the Treasury, with the statement that it is not his desire to
about the matter and hopes he will excuse this much of an intr
said telegram, being a telegram signed by several parties, urging
retary of the Treasury in regard to reported intention of changing
St. Louis and Jefferson streets site.

326–R (November 8, 1889).—R. L. Goode to the Secretary of th
that if the site is changed from St. Louis and Jefferson streets th
reparably injured.

293–R (November 10, 1889).—J. C. Schweitzer, to the Secretar
states that a location between the old and the new town would b
the location by Congress of the World's Fair at any point betwe
Chicago or St. Louis.

331–R (December 11, 1889).—A. R. Fearn to the President, inc
slip making a long statement in regard to his understanding that
a mistake in selecting the Brower and Boonville streets site.

In re Site of the Public Building, Springfield, Mo

Papers received other than those for or against the St. Louis a
location; or, Brower and Boonville street location, which are s
schedules.

144–R.—Map showing Boonville and Center street property.

332–R (January 3, 1889).—E. G. Hudson to Hon. William Wind
lay in the payment for the Springfield site.

333–R (January 5, 1889).—John Foley, W. W. Whaley, and Char
William Windom; urge payment for Springfield site.

50–R (January 12, 1889).—Woolley, Porter & Hubbell, telegr
"Can you give us definite information regarding location of publ

337–R (January 13, 1890).—Porter & Hubbell to Hon. William
the return of abstract of title and other papers.

52–R (January 15, 1889).—Woolley, Porter & Hubbell to the
Treasury; acknowledge receipt of letter of acceptance of their pr

335–R (January 22, 1889).—John Foley, W. W. Whaley, and Cha
Wm. Windom; state they are suffering loss by delay in the paym
site and request payment.

66–R (February 18, 1889).—Woolley, Porter & Hubbell, telegram
ter; states that deeds, etc., completed February 15th.

67–R (February 18, 1889).—Woolley, Porter & Hubbell to Tho
plain delay in furnishing deeds and abstract of title, etc.

69–R (February 20, 1889).—Woolley, Porter & Hubbell to th
Treasury; state they have delivered deeds and abstract of title t
etc.

68–R (February 20, 1889).—Woolley, Porter & Hubbell to Thom
that abstract and deeds are finished and ask if it is advisable to
Washington who is familiar with the papers to confer with the Att

70–R (February 23, 1889).—Hon. F. M. Cockrell to Hon. W. A.
asks what is present status of locating Springfield building, and if
finally settled and title to property approved.

72–R (February 25, 1889).—Woolley, Porter & Hubbell to Colon
abstract of title sent to Attorney-General, Febrrary 25, 1889, re
telegram saying it would not be necessary for them to send any on
look after it; hopes his telegram gave them to understand that
matter a little personal attention; it is important that the matter
fore March 1, 1889, and if he will assist them they will be under re

73–R (February 28, 1889).—Woolley, Porter & Hubbell to Colon
ask Mr. Fister if district attorney's report has been received and
will be completed.

87–R (March 30, 1889).—Hon. W. H. Wade to Supervising Ar
asks if site for public building has been definitely settled, and to a

336–R (February 6, 1890).—Porter & Hubbell to Hon. William
return of abstract of title, etc., submitted by Woolley, Porter &

91–R (April 1, 1889).—M. H. Pipkin, postmaster, to Supervising A

edges receipt of authority to obtain bids to make survey, and asks certain questions in regard to the property selected, and if the question is finally determined.

351-R (April 2, 1890).—Hon. J. C. Spooner to Hon. William Windom, telegram; "has the money been paid and deed accepted for new site at Springfield, Mo."

92-R—.Copy of Springfield Daily Herald, April 2, 1889, containing copy of letter addressed to Postmaster Pipkin relative to obtaining bids for survey.

97-R (April 9, 1889).—Woolley, Porter & Hubbell to J. H. Windrim, ask if papers have been sent to district attorney for record.

362-R (April 11, 1890).—Jas. H. Windrim to H. C. McLean, telegram, requesting that Mr. Dapray bring papers in Springfield case to committee room.

90-R (April 12, 1889).—Woolley, Porter & Hubbell to J. H. Windrim, telegram; ask when the papers in the site case will be sent for record.

98-R (April 12, 1889).—Woolley, Porter & Hubbell to William Windom, telegram; state that the delay in completing the transfer of the St. Louis and Jefferson street property is injuring them, and ask that the matter be hastened.

110-R (April 15, 1889).—Hon. W. H. Wade to Supervising Architect; asks to be advised as to status of site case, and to be informed especially as to whether matter of change of location vests with the Secretary, or whether it would require an act of Congress to make such change.

364-R (April 19, 1889).—J. C. Courts to Hon. C. S. Fairchild; telegram, requesting information regarding estimate of $145,000 for Springfield building.

108-R (April 23, 1888).—D. C. Leach to Hon. William Windom; introduces L. H. Hubbel, understanding that his visit is to consult the Secretary as to the confirmation of the St. Louis and Jefferson street property as a site for the Springfield building, etc.

105-R (April 27, 1889).—Cecil Clay, chief clerk, Department of Justice; states that it will be impossible to send reply to the Secretary's letter in the Springfield case to-day.

200-R.—Opinion of the Attorney-General in regard to certain questions as to when the discretionary power of the Secretary of the Treasury in regard to selecting a site ceases, and when the contract obligation is established, etc. April 29, 1889.

16-R (May 10, 1889).—J. T. Walker to the Secretary of the Treasury, proposal; offers lots shown on diagram for $8,650, $5,700, $3,600, and $2,900.

123-R (May 16, 1889).—William Wallace to Hon. William Windom; introducing G. P. "Pease" (meaning Peale) as a gentleman of high character and of excellent attainments, etc., and worthy of fullest confidence.

117-R (May 13, 1889).—E. T. Avery advises Supervising Architect's office of his arrival in St. Louis, received the package of letters sent to him, and will proceed to Springfield.

125-R (May 17, 1889).—Newspaper clipping in regard to the location of the jail and county court buildings in North Springfield.

122-R (May 15, 1889).—Copy of Springfield Republican containing an article in regard to the location of the county court in North Springfield.

134-R (June 7, 1889).—Geo. A. C. Woolley telegraphs Supervising Architect as to whether title papers and instructions have been sent to the United States district attorney.

365-R (June 30, 1888) —Thos. P. Cleaves, clerk to Hon. C. S. Fairchild; requesting an estimate for the Committee on Appropriations of the actual cost of a suitable public building at Springfield, Mo., including cost of lot, etc.

191-R (Aug. 5, 1889).—D. H. Nichols, president Scott Investment Company, to Hon. Wm. Windom, telegram; states that the Scott Investment Company are offered $11,500 for the lot selected by Colonel Fister as a site for the building, and asks whether the Department will surrender the deed now in its possession so that the company can give title without further litigation.

197-R (August 17, 1889).—Woolley, Porter & Hubbell to the Secretary of the Treasury; acknowledge receipt of letter of August 6, advising them of the action taken in regard to the Springfield, Mo., site.

291-R (October 28, 1889).—D. C. Kennedy to Hon. J. H. Windrim; asks for information concerning change of site.

304-R (November 1, 1889).—E. T. Robberson to J. H. Windrim, telegram; states that the site at the corner of Center street and Robberson avenue was offered to Mr. Fister.

305-R (November 1, 1889).—B. F. Hobart to J. H. Windrim; asks when decision may be expected regarding location of Springfield public building.

315-R (November 2, 1889).—J. F. G. Bentley to Paul Roulet, telegram; states that Congressman Wade will reach Washington Tuesday; that he goes "whole-souled for us."

318-R (November 2, 1889).—J. F. G. Bentley to J. H. Windrim, telegram; "Congressman Wade will arrive in Washington on Tuesday; delay decision until he arrives."

316-R (November 4, 1889).—Hon. W. H. Wade to Hon. William Windom, telegram; "Hold decision in Springfield building until I arrive on Tuesday."

328-R (November 19, 1889).—John Foley, Charles Perkins, and W. W. Whaley to Hon. William Windom; acknowledges receipt of letter of acceptance of their proposal of October 3, 1889, to sell the property at the corner of Brower and Boonville streets, as public building site.

366-R (December 10, 1888).—M. M. Moore, rector St. John's Church, Springfield, Mo., to Mr. Freret; statement in regard to the public building site.

39-R (December 18, 1888).—Miley B. Wesson to Secretary of the Treasury; alleging that his bid in regard to the Springfield, Mo., site was thrown out by Colonel Fister.

1-R (December 14, 1888).—D. Stauffer, bid; offers lot southwest corner Union and Webster streets for $4,500.

2-R (December 14, 1888).—James Lillis and W. C. Hombeak, proposal; offer lot corner of Campbell and Pine streets for $12,000.

3-R (December 15, 1888).—Foley, Hutchinson & Perkins, proposal; offer lot corner Brower and Booneville streets, $115 per front foot.

4-R (December 15, 1888).—Harrison F. Denton and Stephen W. McLaughlin, proposal; offer lot corner Campbell and Olive streets for $1.

5-R (December 6, 1888).—Hon. S. H. Boyd, proposal; offers lot corner Washington avenue and Chestnut street, for $11,000; or a lot corner Washington and Pine streets, for $8,400; or another lot, corner of Washington avenue and Chestnut street, for $14,000.

6-R (December 14, 1888).—W. S. Headley, proposal; offers lot corner Boonville and Center streets for $12,500.

7-R (December 15, 1888).—Lucy Phelps, proposal; offers lot on Campbell street, between Walnut and Mount Vernon streets, for $1.

8-R (December 15, 1888).—Edith Allen Phelps, proposal, offers lot corner Saint Louis and Jefferson streets for $15,475.

9-R (December 15, 1888).—Edith Allen Phelps, proposal; offers lot corner St. Louis and Jefferson streets for $9,475.

9-R (December 17, 1888).—Edith Allen Phelps, modified proposal; offers lot corner St. Louis and Jefferson streets for $6,000, or of different dimensions on same corner for $12,000.

11-R (December, 1888).—James Reilly and C. Eckas, proposal; offers lot on Boone ville street, between Pine and Center streets, for $18,000.

17-R (December 15, 1888) —Ludwig Ullman and Amenda J. Cowan, modified pro posal; offer lot corner College and Market streets for $1.

17-R (December 15, 1888).—Ludwig Ullman, proposal; offers lot corner College and Market streets for $5,000.

13-R (December 17, 1888).—Woolley, Porter & Hubbell, modified proposal; offer lot corner St. Louis and Jefferson streets for $1.

22-R (December 10, 1888).—Martha L. Hall, proposal; offers lot corner of Summit avenue and Locust street for $6,000.

23-R (December 10, 1888).—Martha L. Hall, proposal, offers lot corner Park street and Robberson avenue for $4,000.

24-R (December 6, 1888).—H. F. Fellows, proposal, offers lot corner of Main and Pine streets for $1.

25-R (December 13, 1888).—James Mayes, proposal, offers lot corner Chestnut street and Robberson avenue for $5,800.

26-R (December 8, 1888).—Ambrose and Sheppard, proposal, offer lot corner Jefferson and East Walnut streets for $10,000.

14-R (December 14, 1888).—Jennie Matlock, proposal, offers lot corner Campbell and Webster streets for $7,500.

18-R (December 12, 1888).—Edward C. Keyes, proposal, offers lot corner Market and Union streets for $7,000.

19-R (December 13, 1888).—Paul Roulet, agent for Douglas Putnam, proposal, offers lot corner Center street and Benton avenue for $10,000.

20-R (December 17, 1888).—J. Newton and Sarah E. Day, proposal, offer lot on Walnut street for $15,000.

21-R (December 8, 1888).—John Tenmoot, proposal, offers lot, corner Market and Center streets, for $10,000, or lot of different dimensions at same point for $11,000.

28-R (December 14, 1888).—Jos. Gate, by S. H. Boyd, attorney, proposal, offers lot corner Boonville and Center streets for $20,000.

28-R (December 15, 1888).—Jos. Gate, by S. H. Boyd, attorney, modified proposal, offers lot corner Boonville and Center streets for $1.

29-R (December 13, 1888).—R. L. McElhany, proposal, offers lot on Boonville street for $14,000, or another lot on Boonville street for $9,000, or another lot on Pine street and Robberson avenue for $1.

30-R (December 13, 1888).—J. F. Daim, proposal, offers lot on Pearl street for $2,500.

30-R (December 17, 1888).—J. F. Daim, modified proposal, offers same lot for $1.

33-R (December 15, 1888).—F. R. Smith, offers lot corner Jefferson and Walnut streets for $6,000.

34-R (December 12, 1888).—Jesse Ballard, proposal, offers lot corner Main and Jefferson streets for $4,000.

32-R (December 14, 1888).—O. M. Headley, proposal, offers lot corner Jefferson and Center streets for $12,000.

10-R.—O. M. Headley, proposal, offers lot corner Boonville and Calhoun streets for $13,000.

12-R.—Edwin T. Robberson, proposal, offers lot northeast corner Center street and Robberson avenue for $1.

13-R.—Wooley, Porter & Hubbell, proposal, offer lot corner St. Louis and Jefferson streets for $10,500.

15-R.—Edwin T. Robberson, proposal, offers lot Center street and Jefferson sterets street for $8,000.

31-R (December 14, 1888).—F. A. Heacker, proposal, offers lot corner Boonville and Division streets for $100 per front foot.

27-R.—Geo. B. Ramsay, proposal, offers lot corner Jefferson and Webster streets for $6,000.

35-R (January 8, 1889).—Thomas D. Fister to William A. Freret, supervising architect, submits official report upon his examination of the various parcels of land offered as a site, and recommends the selection of the property offered by Woolley, Porter & Hubbell, corner St. Louis and Jefferson streets.

83-R (March 25, 1889).—Hon. W. H. Wade, telegram, asks Secretary to withhold decision of locating public building until he receives Mr. Wade's letter of March 25, 1889.

163.-R (May 10, 1889).—Hon. George C. Tichenor, Assistant Secretary, directs E. T. Avery, of the office of the supervising architect, to proceed to Springfield for the purpose of making an inspection and report upon all of the parcles of land offered as a site for the public building.

140-R.—Small marked map showing location of various parcels of land offered.

147-R.—Plat showing certain propeity offered by proposal No. 3.

321-R.—Springfield Herald telegram: "Has public building site been officially announced?" November 16, 1869.

363-R (December 22, 1888).—Hon. W. H. Wade to Hon. W. A. Freret, requesting that no plans be prepared for the Springfield building until after the site has been determined upon and he has had time to secure the passage of a law to increase the limit of cost.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., April 23, 1890.

SIR: I have the honor to state that through accident the inclosed statement, or synopsis, of all letters sent, in regard to the matter of selection of site and public building in Springfield, Mo., was omitted from the papers which I heretofore offered in testimony and evidence. I desire that said statement should form part of the evidence, and be incorporated in the printed report of the proceedings of the investigation, after page 223, to complete the record of the case.

Respectfully yours,

JAS. H. WINDRIM,
Supervising Architect.

Hon. JOHN C. SPOONER,
Chairman Investigating Committee, United States Senate.

Letters written from Treasury Department in regard to the public building and site for the public building at Springfield, Mo.

1. February 2, 1888, Supervising Architect to Committee on Public Buildings and Grounds, transmitting papers in regard to needs of public service in Springfield, and stating that since the receipt of said papers Springfield and North Springfield, two distinct municipalities, have been consolidated in one government, as well as the consolidation of the two post-offices.

2. March 2, 1888, Supervising Architect to Miley B. Wesson at Fort Worth, Tex., advising him that proposals for the work will be invited should the bill become a law.

3. March 29, 1888, Secretary of the Treasury to the President, returning the act and inclosing copy of certain papers in regard to the passage of the bill.

4. April 11, 1888, Supervising Architect to Miley B. Wesson, replying to his letter and stating that the act of Congress authorizing the erection of the building did not carry with it an appropriation, and that no steps would be taken toward securing a site until the appropriation was made, and that the custom of appointing a commission to select sites for public buildings had been dispensed with, and that such selection was now made by an agent of the Department who visits the city and inspects all the sites offered, after due advertising in local papers, and recommends the one which will be to the convenience and interest of the public, as well as the interest of the Government.

5. April 12, 1888, Supervising Architect to Hon. William H. Wade, stating that act authorizing the public building does not carry an appropriation, and until Congress appropriates money for the purpose, nothing can be done.

6. April 17, 1888, Secretary of the Treasury to Hon. W. H. Wade, replying to his letter and stating that, in accordance with reports received from the postmaster and other Government officials, an appropriation of $145,000 for the site, building, and approaches complete will be required to provide a building for the proper accommodation of the Government service.

7. April 17, 1888, Secretary of the Treasury to Committee on Appropriations, replying to letter from committee and stating that, in accordance with information received, $145,000 should be appropriated for the site and building authorized.

8. April 19, 1888, Secretary of the Treasury to Hon. W. H. Wade, replying to his letter of April 19, and stating that, from reports of the postmaster and other officials at Springfield, there will be required about 16,900 square feet of floor area, and if the building is three stories high, with basement and attic, there will be required about 5,000 square feet on each floor, and allowing ordinary height for each story the cubical contents will be about 392,000 feet. Estimated cost of building, $117,600; approaches, $7,500; site, $20,000, total, $145,100.

8½. April 19, 1888, Acting Secretary of the Treasury to Speaker of House of Representatives, furnishing estimate of the probable cost of proposed public building at Springfield. From reports from the postmaster and other Government officials at Springfield, there will be required about 16,900 square feet of floor area, and if the building is three stories high, with basement and attic, there will be required about 5,000 square feet on each floor, and allowing ordinary height for each story the cubical contents will be about 392,000 square feet. Estimated cost of building $117,600; approaches, $7,500; site, $20,000; total, $145,100.

9. April 20, 1888, Acting Secretary to Committee on Appropriations, House of Representatives, replying to letter of 19th instant and explaining why the Department transmitted an estimate of $145,000 when the act limited the cost of site and building at $100,000.

9½. April 20, 1888, Acting Supervising Architect to George F. Reed, replying to his letter of the 17th instant and stating that as yet no appropriation has been made for construction of Federal building at Springfield, and when the services of superintendent are needed, all applications with papers submitted will be laid before the Secretary for consideration.

10. April 2[illegible], 1888, Supervising Architect to Hon. R. R. Bland, in regard to application of J. W. Spencer for appointment as superintendent.

11. May 4, 1888, Supervising Architect to Hon. F. M. Cockrell, explaining practice of Department in regard to the superintendents of construction, etc.

12. May 1, 1888, Supervising Architect to F. S. Heffernan, in regard to sample of granite forwarded and the manner in which the work will be contracted for.

13. May 7, 1888, Supervising Architect to M. F. Bell, Fulton, Mo., in regard to the time when . superintendent of the building will be appointed, etc.

14. July 2, 1888, Acting Secretary to Committee on Appropriations, United States Senate, forwarding sketch plans showing approximate size of building, estimating that the building, including approaches, will cost $125,000 and the site $20,000; total, $145,000.

15. July 18, 1888, Supervising Architect to Hon. F. M. Cockrell, inclosing copy of letter addressed to the Speaker of the House of Representatives in regard to amount of appropriation needed.

16. July 31, 1888, Supervising Architect to Messrs. Bramhall, Deane & Co., asking which of the three public buildings they apply for plans and specifications for heating apparatus for Springfield, Mass., Ohio, or Mo.

17. September 10, 1888, Supervising Architect to William H. Thornton, of Charlottesville, Va., replying to his letter recommending Eugene Harman as superintendent for the building, etc.

17*a*. December 1, 1888, Supervising Architect to postmaster of Springfield, advising him of the advertisement for proposals for the sale of property for site, to be opened December 15, 1888; that an agent will visit Springfield for the purpose of inspecting the several properties offered, etc.

18. December 6, 1888, Supervising Architect to Thomas D. Fister, office Supervising Architect, directing him to proceed to Springfield, Mo., for the purpose of being present at the opening of the proposals, making inspection of the properties offered, and submit his report and recommendation.

19. December 8, 1888, Supervising Architect to First Comptroller, transmitting official bond of William C. Marsh as disbursing agent for file.

20. December 20, 1888, acting chief clerk to Hon. F. M. Cockrell, requesting him to call at this office.

21. January 10, 1889, Secretary to Woolley, Porter & Hubbell, accepting their proposal to sell certain property at the corner of St. Louis and Jefferson streets for $1.

22. January 10, 1889, Secretary of the Treasury to Attorney-General, advising him of the acceptance of said proposal and requesting him to obtain evidence of title and deeds of conveyance and forward the same with his opinion in regard to the validity of title.

23. January 12, 1889, assistant and chief clerk to Woolley, Porter & Hubbell, advising them that the Secretary had approved of the site offered by them at the corner of St. Louis and Jefferson streets.

24. January 18, 1889, Supervising Architect to the publisher of the Leader, inclosing vouchers for advertising, for receipt and return.

25. January 25, 1889, Supervising Architect to Hon. F. M. Cockrell, advising him that when the plans and specifications for the building are ready a set will be forwarded to his friend, O. F. Guthrie, of St. Louis, etc.

26. February 23, 1889, assistant and chief clerk to F. M. Cockrell, advising him that site is located at the corner of St. Louis and Jefferson streets, and that the title papers are in the hands of the Attorney-General for examination.

27. February 23, 1889, assistant and chief clerk to Woolley, Porter & Hubbell, saying that it will be unnecessary for them to send any one.

28. February 25, 1889, Assistant Secretary to John B. Waddill, acknowledging the receipt of their letter of the 15th instant in regard to the location of the public building, and stating that the Department is in receipt of a communication from Woolley, Porter & Hubbell stating that the abstract of title and deeds of conveyance have been completed and delivered to the United States attorney.

29. March 8, 1889, Supervising Architect to W. C. Root, Kansas City, acknowledging receipt of letter of April 21, recommending L. H. Ingraham's appointment as superintendent.

30. March 26, 1889, Secretary to Woolley, Porter & Hubbell, advising them that

the Attorney-General on 23d instant transmitted abstract of title and other papers covering property at corner of St. Louis and Jefferson streets; before the completion of the transfer it will be necessary for the district attorney to obtain certain information and perform certain duties, which action he will at once be requested to take, and upon communication from him of the requirements of the Attorney-General a formal transfer of the property will be effected and action taken looking to the compliance of the requirements of the act.

31. March 28, 1889, Supervising Architect to W. H. Pipkin, postmaster, requesting him to obtain proposals from surveyors for making a survey of St. Louis and Jefferson streets property.

32. March 30, 1889, Supervising Architect to Hon. W. H. Wade, advising him that title papers for public building site have been received from the Attorney-General certifying the title is valid.

33. April 5, 1889, Supervising Architect to W. H. Pipkin, postmaster, acknowledging receipt of communication of the 1st instant in which he requests to be informed on which site it is proposed to base bids for survey, and advising him that it is the site on corner of St. Louis and Jefferson streets.

34. April 13, 1889, Supervising Architect to James P. Harrison, advising him of places where Congress has authorized the erection of public buildings, among them Springfield, Mo., and that it is impossible to state when the work on the buildings will be commenced.

35. April 23, 1889, Secretary to Attorney-General, reciting the actions in regard to the acceptance of the proposal of Woolley, Porter & Hubbell, and stating that in view of certain protests against the selection made the Department desires to have an opinion in regard to the time when the discretionary power of the Secretary relative to selecting property for the site for the building ceases; when the obligation of the Department to make payment of the purchase-money becomes established; when the title to said property becomes vested in the United States; whether the opinion rendered by the Attorney-General in 1861 has been or should be modified, etc.

36. May 10, 1889, Supervising Architect to Secretary, stating that in view of the statements made in letter of April 10 addressed to the Assistant Secretary by Hon. John C. Spooner, who is a member of the sub-committee of the Senate Committee on Public Buildings and Grounds, who was charged with the duties of investigating the conduct and management of affairs in the Supervising Architect's office, that he intends before Congress meets to get the committee together and investigate the matter of the selection of the site for said building at Springfield, inclosing an affidavit on April 22 of E. T. Robberson, alleging fraudulent and undue influence in the matter of selection of site, who submits certain papers protesting against the selection of the St. Louis and Jefferson streets property, and suggests that if the Secretary of the Treasury deems it advisable that a special agent of the Treasury be instructed to visit Springfield for the purpose of investigating the allegations and protests referred to, in order that the Department may have a report from him on the subject before consummating the transaction of the selection and purchase of the St. Louis and Jefferson streets site; explains the legal status of the case, and schedules, the papers alleging fraud, and making protests against the selection.

36½. May 11, 1889, Supervising Architect to Secretary, stating that other papers, protests against site selected in Springfield, have been found on the files, and are inclosed therewith for consideration in connection with the subject.

37. May 10, 1889, Assistant Secretary of the Treasury to George W. Whitehead, special agent of the Treasury Department, directing him to proceed to Springfield for the purpose of investigating the allegations of fraud referred to, and inclosing certain papers.

38. May 11, 1889, Acting Secretary of the Treasury to George W. Whitehead, inclosing certain additional papers of protests, etc.

39. May 10, 1889, Secretary to E. T. Avery, office of the Supervising Architect, directing him to proceed to Springfield for the purpose of making inspection of several pieces of property offered for the site, giving him a description of each parcel of land without the names of the parties who submitted the proposals, and instructing him to keep his identity unknown, etc.

40. May 17, 1889, Supervising Architect to E. T. Avery, telegram saying: "You and Mr. Whitehead remain in Springfield and await further instructions."

41. May 25, 1889, Secretary to John Foley, inclosing copy of letter of May 17, 1889, addressed to him by G. A. Ramsey, secretary of the Scott Investment Company, in regard to certain matters relative to the execution of a warranty deed of said company for a parcel of land embraced in the St. Louis and Jefferson streets site (which letter was received at the Department with Mr. Whitehead's report), and asking him to obtain from Mr. Ramsey a copy of the by-laws of the Scott Investment Company.

42. June 3, 1889, Secretary to the Attorney-General, refers to his letter dated March 23, 1889, expressing an opinion as to the validity of title to St. Louis and Jefferson streets property, and inclosing certain papers, letter, affidavits, etc., alleging certain

irregularities in the execution of a certain deed from the Scott Investment Company, and requesting him to instruct the United States attorney for the western district of Missouri to investigate the matter, and to submit his written report in regard thereto, and upon receipt of the same to forward it with his (the attorney's) opinion.

43. June, 1889, Assistant Secretary to G. P. Peale, acknowledging receipt of his letter of June 1, and advising him that the Springfield site case has been, and is, receiving all proper attention, and will be disposed of as speedily as possible.

44. June 7, 1889, Secretary to G. P. Peale, acknowledging receipt of his letter of June 5, two letters of May 8, and one letter of June 3, and stating that, as advised in letter of June 4, the Springfield site case has been and is receiving all proper attention, and will be finally determined as soon as existing circumstances will permit.

45. July 26, 1889, Secretary to the Attorney-General, reciting the actions taken in regard to the St. Louis and Jefferson streets property, inclosing certain papers and asking his opinion as to whether, in the event of condemnation proceedings being instituted against the property, it would be competent for the costs and decrees resulting therefrom to be paid by Woolley, Porter & Hubbell, or by George A. C. Woolley and G. P. Peale, or other citizens, or whether such costs and decrees must be paid and satisfied out of the appropriation made by Congress for the site and building.

46. August 6, 1889, Acting Secretary to Attorney-General, refers to his opinion dated June, 1889, to his letter dated May 29, 1889, rendering the opinion that in view of the status of the case, the deed, from the Scott Investment Company, of a parcel of land owned by them, being a part of the property selected at St. Louis and Jefferson streets for the site, is insufficient to pass a good and valid title to the United States, and that unless said Company voluntarily consents to execute a valid title to said property, the only way in which the property referred to can be acquired would be by condemnation, and as it appears from affidavits, etc., received said Company has refused to execute such deed, the Department requests him to give such instructions to the United States Attorney as may be necessary to institute proceedings in condemnation against the property, etc.

47. August 6, 1889, Acting Secretary to Attorney-General refers to letter requesting the institution of proceedings in condemnation against the St. Louis and Jefferson streets site, and inclosing a letter addressed to Woolley, Porter & Hubbell, advising them of the Attorney-General's opinion, and of the request made to institute proceedings in condemnation, with the understanding that they are to pay all costs and awards.

48. August 6, 1889, Supervising Architect to Hon. W. H. Wade, refers to several conversations at this office and advises him of the opinion of the Attorney-General of January 29, 1889, and inclosing copies of letters addressed to the Attorney-General, and to Woolley, Porter, & Hubbell, in regard to the institution of proceedings in condemnation against said property, and that it has been impossible to furnish a statement in regard to the case until now, and assuring him that the case has received prompt and proper attention, etc.

49. August 6, 1889, Acting Secretary to Woolley, Porter, & Hubbell, advising them of the opinion of the Attorney-General, dated June, 1889, and of the request made of the Attorney-General to institute proceedings in condemnation against the St. Louis and Jefferson streets site, and annulling the contract made with them for the purchase of the same, etc.

50. August 6, 1889, Acting Secretary to Woolley, Porter, & Hubbell, advising them that there is no legal objection to their paying all costs and damages which may accrue and be awarded in the proceedings in condemnation which they have proposed to do, and that the Attorney-General has been requested to give the United States attorney proper instructions to have them pay such costs and awards.

51. August 6, 1889, Acting Secretary to B. H. Nichols, president of the Scott Investment Company, telegram, stating that the "Telegram 5th instant received. Department of Justice has been requested to institute proceedings in condemnation against the property selected as a site for public building."

52. August 6, 1889, Acting Secretary of the Treasury to Hon. George W. McCrary, acknowledging receipt of his letter of July 18, 1889, stating that owing to peculiar circumstances which have arisen in connection with the Springfield, Mo., site case, the final adjustment of the case has been unavoidably delayed until to-day, but that the case had received all proper attention. The Department has requested the Attorney-General to institute proceedings in condemnation against the property; to have Woolley & Porter to pay the costs and damages which may accrue; and inclosed copies of two letters addressed to Woolley, Porter, & Hubbell.

53. August 17, 1889, Acting Secretary to Hon. R. C. Kerens, acknowledging receipt of his letter of August 12, 1889, requesting that action in regard to the site for the public building at Springfield be suspended until his friends can have a personal hearing, and advising him that on August 5 the Attorney-General was requested to institute proceedings in condemnation against the St. Louis and Jefferson streets

site, and that the location was determined upon after a full consideration of the subject.

54. August 29, 1889, Acting Secretary to A. W. Ollis, president Merchants' Exchange, acknowledging receipt of his telegram August 20, and advising him that the Department has decided to acquire title to the property at corner of St. Louis and Jefferson streets site by condemnation, and has requested the Attorney-General to institute proceedings in condemnation, and stating that from the papers in the case there is a considerable variety of thought and opinion as to where the building shall be located, and that the Department has taken the action understanding it to be for the best interest and convenience.

55. August 29, 1889, Acting Secretary to E. T. Robberson, acknowledging telegram of August 20, offering property situated at corner of Center street and Robberson avenue, and advising him that after careful consideration the Department, on the 6th instant, decided to acquire title to property corner St. Louis and Jefferson streets by condemnation.

56. September 5, 1889, Acting Secretary to Attorney-General, referring to letter requesting the institution of proceedings in condemnation against the St. Louis and Jefferson streets property, and requesting that instructions be given by telegram to the United States district attorney to suspend the same.

57. September 6, 1889, Acting Secretary to Hon. R. C. Kerens, acknowledging receipt of letter of September 4, inclosing letter from A. W. Ollis, and numerously signed petition of August 8, in regard to the matter of site for the public building, and stating that in view of the statements and requests therein contained in connection with other papers in the case, and after further consideration, on the 5th instant, the Department requested the Attorney-General to telegraph instructions to the United States attorney to suspend the proceedings in condemnation against the St. Louis and Jefferson streets site; that he will be absent from the city for about two weeks, but the Secretary of the Treasury will probably offer him and others opposed to the St. Louis and Jefferson streets site an opportunity to make any further statements which they may desire after Wednesday morning next.

58. September 6, 1889, Acting Secretary to Hon. W. H. Wade, advising him of the suspension of the proceedings in condemnation against the St. Louis and Jefferson streets site, etc.

59. September 6, 1889, Acting Secretary to Woolley, Porter & Hubbell, advising them of the suspension of the proceedings in condemnation against the St. Louis and Jefferson streets site.

60. September 9, 1889, Secretary to A. W. Ollis, president of Merchants' Exchange, acknowledging the receipt of his letter of September 3, and advising him of the suspension of the proceedings in condemnation against the St. Louis and Jefferson streets site, etc.

61. September 17, 1889, Secretary of the Treasury to Hon. S. H. Boyd, acknowledging the receipt of letter and telegram of September 9, and advising him that the Department is reconsidering the matter of location of the building.

62. September 23, 1889, Acting Supervising Architect to Hon. R. C. Kerens, inclosing letter addressed to his address at St. Louis, and stating that the action is taken for the reason that he may be in New York, and the Department wishes him to be advised of the fact that the Supervising Architect will be in Springfield on October 1, in connection with the question of site.

63. September 23, 1889, Acting Supervising Architect to Hon. R. C. Kerens, referring to his recent conversations with the Secretary and Supervising Architect, and, as requested by them, advising him that the Supervising Architect will be in Springfield October 1, for the purpose of making an inspection of several properties offered as a site.

64. September 26, 1889, assistant and chief clerk to James H. Windrim, Supervising Architect, telegram, stating Kerens telegraphs "Will meet you in St. Louis on your arrival. Telegraph him when you will arrive. Can Dapray be of service? If so, will have him join you."

65. September 27, 1889, acting assistant and chief clerk to James H. Windrim, telegram: "Mr. Dapray leaves on 4.10 p. m. train; will join you in Philadelphia."

66. September 27, 1889, Secretary to St. Julien B. Dapray, chief law and contract division, office Supervising Architect, directing him to accompany the Supervising Architet to Springfield, Mo., for the purpose of rendering him such service as he may require in the matter of examination of various properties which have been offered for the site in said city; also to accompany him to such other places as he may visit either in going or returning from Springfield in connection with work being done on public buildings, for the purpose of rendering him such assistance as he may desite.

67. October 5, 1889, Supervising Architect to J. R. Wood, general passenger agent, Pennsylvania Railroad, explaining that he and Mr. Dapray purchased tickets from Philadelphia to Springfield; that from St. Louis to Springfield they traveled in a private car, arranged by Hon. R. C. Kerens and B. F. Hobart, and asking him to re-

fund the amount that should be allowed on the ticket from St. Louis to Springfield, in order that the traveling expense vouchers may be passed.

68. October 24, 1889, assistant and chief clerk to H. J. Schell, advising him that the drawings and specifications for the Springfield building are not completed, and that when the work is ready to be placed on the market, advertisements inviting proposals will be inserted in the local newspapers, etc.

69. November 16, 1889, assistant and chief clerk to W. Schweider, acknowledging receipt of his letter asking for photograph of Springfield building, and stating that drawings have not yet been made, and will probably not be completed before the holidays, etc.

70. November 16, 1889, Acting Secretary to Attorney-General, referring to letter requesting suspension of proceedings in condemnation against the St. Louis and Jefferson streets site, and requesting him to telegraph instructions to the United States attorney to cause said proceedings to be abandoned.

71. November 16, 1889, Acting Secretary to Woolley, Porter, and Hubbell, advising them of the abandonment of the proceedings in condemnation against the St. Louis and Jefferson streets site.

72. November 16, 1889, Acting Secretary to Messrs. Conger, Thayer, and Coldren, referring to briefs, arguments, etc., recently submitted by them as attorneys for Andrew J. Minard, A. R. Fearn, and George A. C. Woolley, and advising them of the decision to abandon the proceedings in condemnation against the St. Louis and Jefferson streets property, and to select property at the corner of Boonville and Brower streets as a site for the building.

73. November 16, 1889, Acting Secretary to John Foley, Charles Perkins, and W. W. Whaley, accepting their proposal to sell certain property at the corner of Boonville and Brower streets as a site for the public building for $20,000.

74. November 16, 1889, Acting Secretary to Attorney-General, advising him of the acceptance of the property at corner of Boonville and Brower streets, asking that he instruct the United States attorney to secure necessary evidence of title, etc., and when said papers are received to forward them, with his opinion, in regard to the validity of title.

75. November 18, 1889, Acting Secretary to Hon. W. H. Wade, referring to his several visits and conversations at the Department, and advising him that after careful consideration of the whole records of the case, and of the arguments and statements made in regard thereto, and the interest and convenience of the public as well as the best interests of the Government, the Department has decided to abondon the proceedings in condemnation against the St. Louis and Jefferson streets property and to select certain property at the corner of Boonville and Brower streets for the site for the building, and that all papers necessary to carry the decision into effect were prepared and forwarded.

76. November 18, 1889, Acting Secretary to the editor of the Springfield Herald, acknowledging the receipt of his telegram of November 16, and furnish him with the same advices as were furnished to Hon. W. H. Wade.

77. November 18, 1889, Acting Secretary to D. C. Kennedy, of the Springfield Herald, furnishing him with the same advices as were given to Hon. W. H. Wade.

78. November 18, 1889, Acting Secretary to B. F. Hobart, giving him the same advices as were sent to Honorable Wade.

79. November 20, 1889, Acting Secretary to R. L. Goode, acknowledging the receipt of his letter of November 8, and furnishing him with the same advices that were sent to Honorable Wade.

80. November 21, 1889, Supervising Architect to Hon. S. H. Boyd, acknowledging receipt of his letter of November 17, expressing approval of the action of Department in selecting Booneville and Brower streets property, and thanking him for his kindly expressions in regard thereto.

81. November 25, 1889, Acting Secretary to John Foley, Charles Perkins, and W. W. Whaley, acknowledging the receipt of their letter of November 19, assenting to the terms of the letter of acceptance of their proposal and stating that they had caused the abstract of title to be prepared and were ready to execute deeds of conveyance, and advised them that proper advices had been sent to the Attorney-General.

82. November 25, 1889, Acting Secretary to Attorney-General, inclosing copy of letter of November 19, from John Foley, Charles Perkins, and W. W. Whaley.

83. December 2, 1889, Supervising Architect to B. F. Hobart, acknowledging receipt of his letter of November 26, 1889, inclosing letter addressed to him by John Foley, reassuring the Department that the new site selected for the building is indorsed by, and is satisfactory to, four-fifths of the citizens of Springfield, and advised him that he (the Supervising Architect) has no doubt that the small number who claim that the location of the property on the corner of Boonville and Brower streets is not for the convenience and interest of the Government was controlled by personal rather than that public spirit promotive of the welfare of the city and general convenience of the public.

84. December 4, 1889, Acting Supervising Architect to P. B. Perkins, acknowledging receipt of his letter of November 25, requesting appointment as superintendent of construction.

85. January 2, 1890, Acting Secretary to E. G. Hudson, attorney at law in regard to the matter of making payment for the property at the corner of Brower and Boonville streets.

86. January 8, 1890, Acting Secretary to Attorney-General, inclosing copy of Mr. Hudson's letter in regard to making payment for the Brower and Boonville streets property.

87. January 11, 1890, Supervising Architect to Hon. W. H. Wade, refers to the bill introduced December 18, contemplating an appropriation of $75,000 for the Springfield building; also refers to several conversations at this office, and states that it is inferred that he intended that said bill should extend the limit of cost from $100,000 to $175,000, and advising him that an appropriation of $50,000 has been made, and if he has no objection without modification the limit of cost will only be extended to $125,000.

88. January 10, 1890, Acting Secretary to Attorney-General, inclosing copy of letter of January 5 from John Foley, W. W. Whaley, and Charles Perkins in regard to making payment for the Brower and Boonville streets property.

89. January 10, 1890, Acting Secretary to John Foley, W. W. Whaley, and Charles Perkins, advising that their letter of January 5 in regard to making payment for the Brower and Boonville street property, has been referred to the Attorney-General.

90. January 14, 1890, Supervising Architect to Hon. W. H. Wade, referring to previous communication and conversation in regard to the bill introduced by him December 18, and states that as it is understood to be his desire that the limit of cost for the public building in Springfield should be increased from $100,000 to $175,000, and that the balance of the money for said purpose within the proposed extended limit of cost should be appropriated at the present session of Congress, and in compliance with his verbal request, inclosed a draught of bill containing the provisions specified, and states that while the balance of money remaining within the limit of cost fixed would be sufficient to construct a building that would meet the needs of the Government offices to be accommodated therein, should the limit of cost be extended as proposed by him, a larger building of better construction and finish, and that would meet the prospective needs of the public service, could be constructed.

91. January 29, 1890, Supervising Architect to George A. Bartlett, disbursing clerk, inclosed copy of telegram sent by him to the postmaster of Springfield, requesting him to state in the newspapers of October 1 that the Supervising Architect would be in Springfield on that date for the purpose of examining the matter of site for the public building, etc.

92. January 31, 1890, Secretary to John Foley, W. W. Whaley, and Charles Perkins, acknowledging the receipt of their letter of January 10 in regard to the payment for the Brower and Boonville streets site, and stating that it is understood that the evidence and abstract of title to said property are being examined in the Department of Justice, and that as soon as the Attorney-General's opinion is received proper action will be taken.

93. February 4, 1890, Supervising Architect to Hon. W. H. Wade, acknowledging the receipt of his telegram, and advising him that as soon as certain data which has been requested shall have been received a reply will be made to the Committee on Public Buildings and Grounds in regard to the bill introduced by him to provide for the increase of the limit of cost of the Springfield building.

94. February 4, 1890, Supervising Architect to Attorney-General, requesting certain information in regard to the needs of the courts in Springfield.

95. February 4, 1890, Supervising Architect to Secretary of Interior, requesting certain information in regard to the needs of the land-office business in Springfield.

96. February 4, 1890, Supervising Architect to the Postmaster-General, requesting certain information in regard to the needs of the postal service in Springfield, Mo.

97. February 4, 1890, Supervising Architect to the postmaster of Springfield, requesting certain information in regard to the needs of the postal service in Springfield.

98. February 6, 1890, Assistant Secretary to George A. Neal, United States district attorney, in regard to certain unpaid taxes connected with the Brower and Boonville streets property.

99. February 10, 1890, Supervising Architect to the chairman of the Committee on Public Buildings and Grounds, House of Representatives, submitting a report upon H. R. bill 516, introduced December 18, 1889, by Hon. W. H. Wade, to provide for the increase of limit of cost of site and building, which report recites the acts of Congress previously made, and states that it is understood that Mr. Wade intends to offer a substitute for said bill contemplating said increase to $175,000 instead of $125,000, and stating that from computations made it is found that with the balance of the limit of cost first fixed, viz, $100,000, after paying for the site and other incidental expenses, a public building about 40 by 70 feet in dimensions, three stories

high with basement, constructed of brick, with stone trimmings can be erected which would afford accommodations for the present needs of the Government offices to be located therein, and should the limit of cost be extended to $175,000 a public building about 60 by 90 feet in dimensions, three stories high, with basement, with fireproof construction, including heating apparatus, vaults, approaches, and elevator service, built of brick faced with stone, and of better quality of interior finish can be erected, and which would afford proper accommodations for the present and prospective needs of the Government offices to be located therein, etc.

100. February 10, 1890, Supervising Architect to Hon. W. H. Wade, advising him of said report.

102. February 19, 1890, Assistant Secretary to the governor of Missouri in regard to an act of cession of jurisdiction to the United States over the site selected.

103. February 25, 1890, Assistant Secretary to the governor of Missouri in regard to the general act of cession of jurisdiction to the United States over land selected as said site.

104. March 4, 1890, Supervising Architect to John Foley, acknowledging the receipt of his letter of February 26, 1890, and stating that accounts prepared in payment for the property selected are in the office of the First Comptroller for final adjustment, and, if found correct, drafts in payment of the purchase money will be issued.

105. March 11, 1890, Secretary to Porter & Hubbell, advising them of the fact that the papers connected with the abstract of title of the St. Louis and Jefferson streets property have been sent to the Attorney-General with the request that they be delivered to the parties in interest, through the United States attorney for the western district of Missouri, and that receipts be taken therefor; also that the draught of warranty deed from the Scott Investment Company of a certain parcel of land embraced in said site would not be returned, for the reason that it formed the basis of examination of certain questions through the United States attorney in regard to the execution of said instrument.

106. March 11, 1890, Secretary to Attorney-General, inclosing the papers connected with the abstract of title to the St. Louis and Jefferson streets property, and requesting the same be returned to the parties in interest through the United States attorney for the western district of Missouri, etc.

107. March 21, 1890, Supervising Architect to Hon. W. H. Wade, advising him that the drafts in favor of John Foley, Charles Perkins, and Mary L. Whaley in payment for the Brower and Boonville streets property were forwarded to the United States attorney with instructions to bring searches down to date and deliver said drafts to the parties in interest.

108. March 21, 1890, Assistant Secretary to George A. Neal, United States attorney, western district of Missouri, inclosing said drafts and giving him instructions relative to bringing searches down to date of record and deliver drafts to parties in interest.

109. March 22, 1890, Acting Secretary to the postmaster, requesting him to obtain and forward survey of the Brower and Boonville property.

110. March 25, 1890, Supervising Architect to Hon. W. H. Wade, telegram: "Drafts Springfield site sent District Attorney Neal, Kansas City, 21st instant."

111. April 2, 1890, Secretary to Hon. John C. Spooner, acknowledging receipt of his telegram and stating that drafts in payment for public building site, Springfield, Mo., were sent United States district attorney March 21, with instructions to bring examination of title down to date of record of deeds and deliver drafts to parties in interest. Telegram has been sent to district attorney to-day to ascertain if drafts have been delivered.

112. April 2, 1890, Secretary to George A. Neal, United States district attorney, Kansas City, Mo., telegram: "Have you delivered drafts in payment for public building site Springfield, Mo.? If not, await further instruction. Answer immediately."

113. April 3, 1890, Secretary to George A. Neal, United States district attorney, telegram: "Your letter of March 31st, inclosing receipts from parties in interest for drafts in payment for Springfield, Mo., site, has been received."

114. April 2, 1890, Secretary to Hon. John C. Spooner, telegram: "Referring to Department telegram of to-day, I have to advise you that there has been received in the afternoon's mail letter dated March 21, 1890, from the United States attorney, inclosing receipts from the parties in interest for the drafts in payment for the public building site, Springfield, Mo."

115. April 8, 1890, acting assistant and chief clerk to J. R. Ferguson, recorder of deeds, Springfield, Mo., inclosing for receipt and return voucher in his favor for ——— for recording deeds of property selected as a site for proposed public building at Springfield, Mo.

116. April 12, 1890, acting assistant and chief clerk to the Builders' and Traders' Exchange Building Company, stating reasons for inability to comply with request for drawings and specification of contemplated building at Springfield, Mo.

101. February 12, 1890, Acting Secretary to Porter & Hubbell, Springfield, Mo., stating that papers connected with abstract of title of the St. Louis and Jefferson streets property will be examined as soon as possible, and that such of the papers as should be returned would in a few days be sent to the Attorney-General with the request that they be returned through the United States attorney for the western district of Missouri.

117. April 17, 1890, Supervising Architect James H. Windrim to Hon. G. G. Vest, acknowledging the receipt of his letter of the 17th instant, in regard to copies of papers in Springfield, Mo., site case, reminding him of his (Mr. Windrim's) statement to Senator Spooner, and of Mr. Spooner's statement that an offic al call would be of the Secretary of the Treasury therefor; and stating that the call had not been received at the Department, and as soon as it is the Secretary will take proper action.

118. April 18, 1890, Secretary of the Treasury, William Windom, to the chief of the law, and contract division, St. Julien B. Dapray, authorizing and directing him to render any necessary service to Mr. James H. Windrim, Supervising Architect, before the Senate investigating committee, on behalf of the office of the Supervising Architect and of the Treasury Department, in the matter of the investigation of the selection of the site for the proposed public building in Springfield, Mo.

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2616.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 11350.]

The Committee on Pensions, to whom was referred the bill granting a pension to Mary B. Clayton, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 11350) granting an increase of pension to Mary B. Clayton, have considered the same and report as follows:

The claimant is the widow of Henry Clayton, late major and paymaster, U. S. Army. This officer's military service began November 14, 1861, when he was mustered in as first lieutenant of Company B, Purnell Legion of Cavalry, Maryland Volunteers. After 3 years of faithful and arduous service he was mustered out with his company October 26, 1864.

On the 4th day of October, 1866, he accepted appointment as captain, Nineteenth United States Infantry, and served with distinction in the West until December 31, 1872, when he resigned. He was appointed major and paymaster September 12, 1882, and died at Fort D. A. Russell, Wyo., December 26, 1888, of disease of the heart contracted in the service and line of duty.

Mrs. Clayton is now receiving a pension at the rate of $25 per month, the same having been allowed her under the provisions of the general pension laws.

In her petition for relief the claimant states that the soldier left no estate to enable her to educate and support their two children.

There are many precedents for the allowance of the increase prayed for in this case, and your committee therefore return the bill, recommending its passage.

NOTE.—Amend by adding to the bill after the word "act," in line 8 the words "at the rate above named, the same to be in lieu of the pension now paid her."

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2617.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany House concurrent resolution authorizing the printing of 10,000 copies of the testimony taken before the Committee on Coinage, Weights, and Measures, together with the accompanying report (No. 3967) be printed; 6,000 copies for the House and 4,000 copies for the Senate.]

The Committee on Printing, to whom was referred the above concurrent resolution, report it back with the recommendation that it do pass.

The cost of the printing will be $1,860.50.

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51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2618.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate resolution authorizing the printing of the annual report of the Librarian of Congress for the calendar year 1890; and that in addition to the usual number there be printed 500 copies for the use of the Library.]

The Committee on Printing, to whom was referred the above Senate resolution, report it back favorably and recommend its passage.

The cost of printing the usual number will be about $16.60, and of printing 500 additional copies $6.25—a total of $22.85.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2619.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate resolution authorizing the printing of 5,000 copies of Senate Mis. Doc. No. 78, Fifty-first Congress, second session.]

The Committee on Printing, to whom was referred the above Senate resolution, report it back favorably, and recommend its passage.

The document relates to the Torrey bankrupt law, containing an—

> Appeal to the Senate from the national convention of the representatives of the commercial bodies of the United States, on behalf of honest insolvents, consumers, retailers, wholesalers, manufacturers, commercial, industrial, and professional bodies and the people at large, praying for the consideration and passage of the Torrey bankrupt bill at the present session, and calling attention to the fact that the people are in favor of it, and that the only opposition of moment, outside of Congress, is from a few great houses who have selfish interests in opposition to its enactment; with an appendix containing speeches in favor of bankruptcy legislation, the names of the officers and committeemen of the national organization, the bodies which have indorsed, and the citizens who have petitioned for the enactment of the Torrey bankrupt bill.

The cost of the printing will be about $135.

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51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2620.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

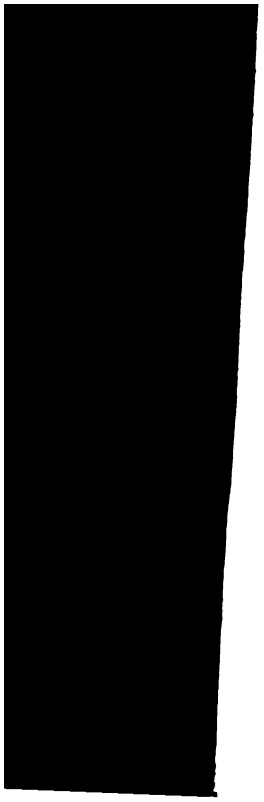
REPORT:

[To accompany S. 1818.]

The Committee on Pensions, to whom was referred the bill (S. 1818) granting a pension to C. G. McKnight, have examined the same and respectfully report:

Dr. C. G. McKnight was commissioned a lieutenant and assistant surgeon and assigned to duty with Rhode Island troops by Governor Sprague, of Rhode Island, in May, 1862. He contracted a severe cold at or near Washington, D. C., while on duty, but not mustered into service; that he returned to his State and was appointed a surgeon of the board of enrollment for the First Congressional district of Rhode Island, and served faithfully until his services were dispensed with. The said McKnight is now 74 years old, suffering from the effects of the disease contracted in the discharge of his surgical duties with the vol unteers, and in very straitened circumstances.

Your committee therefore recommend the passage of the bill.



51ST CONGRESS, 2d Session. | SENATE. | REPORT. No. 2621

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, made the following

REPORT:

[To accompany H. R. 10277.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10277) entitled "An act to remove the charge of desertion from the military record of Patrick Dunphy," have had the same under consideration and report it back favorably and recommend its passage.

This bill was reported to the House by the late Maj. James Laird in the Fiftieth Congress, first session, which report appears to have been based on some evidence, all of which is not at the service of your committee. That report (House Report 3069) was as follows:

Dunphy enlisted in Company E, Fifth United States Cavalry, January 13, 1861; that he was only 18 years of age, that he was wounded in battle near Harrison's Landing, Va., July, 1862, and was sent to the hospital; recovered, and returned to his regiment in 1863. That thereafter he was taken with a severe attack of fever; was sent to Carver Hospital, Washington, D. C.; that he remained there until September, 1863, when he was discharged by the medical officer in charge and told to go home. That he was both ill and ignorant, and understood that this discharge was a discharge from the service of the United States, and acted accordingly. That this statement is verified by Col. Edward H. Leib, at that time an officer in Dunphy's company, who says that claimant was an exceptionally brave man in battle and thorough and tractable as a soldier in the ranks; that Dunphy evidently supposed himself discharged from the fact that during his absence Dunphy always wrote to and received letters from his company during the period of his alleged desertion.

To some extent this report is supported by the statements of Dunphy and Leib, whose testimony is hereto attached and made a part of this report:

GRAND ISLAND, NEBR., *August* 16, 1884.

HON. SECRETARY OF WAR:

Whereas I having made application for a pension from the Government; and Whereas the papers have been returned refused to me, for the reason I can not show my honorable or any other discharge, I desire to state the following facts, as the same may be spread on the records and the honorable discharge made me:

I was born in Ireland on the 16th day of May, 1843; enlisted January 13, 1861, in Company E, Fifth United States Cavalry, then being only 18 years of age; was wounded in 1862 at Harrison's Landing; recovered and returned to my regiment, and in 1863 was taken sick and placed in Carver's Hospital, in the city of Washington; this was in the month of June; I remained there until the 15th day of September, 1863, when I was discharged from the said hospital and told by the doctor to go home. From this and every other circumstance in the case I fully believed that this discharge from the hospital was a full discharge from the service as well, as I was very feeble and was so for a number of years, and am suffering now and always have been affected from this disease I contracted while in the service.

PATRICK DUNPHY,

In the presence of—
W. H. PLATT.

I, E. H. Leib, am well acquainted with Patrick Dunphy, who signed the above instrument; that I was a lieutenant in Company E of Fifth United States Cavalry, of which said Dunphy was a private, and, as well as I can remember, the above statements and facts as set forth by Mr. Dunphy are true, and that he is a deserving man.

E. H. LEIB,
Late Captain Fifth Cavalry, Brevet Lieutenant-Colonel, U. S. Army.

These statements are supported by a letter from Representative Dorsey, who, in a letter to Representative Cutcheon under date of February 14, 1891, says that he "is personally acquainted with Dunphy," and that said Dunphy "is a reliable and trustworthy man, and that any statement which he may make in reference to the charge of desertion is worthy of full credit."

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2622.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 12824.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 12824) to remove the charge of desertion from the record of Andrew L. Grugett, etc., have had the same under consideration and report as follows:

The report made by the Committee on Military Affairs of the House presents the case in full, and your committee, in recommending that the bill pass, adopt the House report.

[House Report No. 3466, Fifty-first Congress, second session.]

The Committee on Military Affairs, to whom House bill 12824 was referred, after having carefully considered the same, respectfully report as follows, viz:

It fully and satisfactorily appears from the evidence submitted in this case that the claimant, Andrew L. Grugett, duly enlisted and was enrolled as a corporal in Company E, First West Tennessee Cavalry (subsequently known as the Sixth Tennessee Cavalry), September 18, 1862; that he was captured by the Confederate forces on or about the 24th day of January, 1863, near Bolivar, Tenn.; that he was afterwards paroled by one W. W. Jackson, claiming to be a Confederate paroling officer; that after such parol he reported to the Federal forces at Corinth, Miss., and was given transportation and subsistence from there to Bethel, Tenn., where he expected to find his regiment; that on arrival at Bethel he could not learn anything definite from his regiment and was passed to Purdy, Tenn., but on reaching said point his regiment was not there.

He then returned home, as the Confederates were swarming about Purdy; that he was recaptured by "bushwhackers," who disregarded his parol; that he escaped from them and again returned to his home; that after waiting for some time, dodging and avoiding the "bushwhackers," he enlisted in the Second Tennessee Mounted Infantry, said command being near him at that time, said last enlistment being in Company C, Second Tennessee Mounted Infantry, and was duly enrolled in said company and regiment March 1, 1864; that the captain of said Company C was Andrew J. Roberts, a brother of Capt. Elijah Roberts, who was captain of said Company E, First Tennessee Cavalry, to which he first belonged; that in his said second enlistment he gave his name as Andrew L. Grugett, same as in his first enlistment.

That if any error on the company or muster rolls appears as to his first or Christian name, same was not through any fault or intention of his, he having given his name in second enlistment same as in the first; that afterwards he met his old regiment at Nashville, Tenn., when both regiments to which he had belonged met for the first and last time during the war, and there met his former captain, said Elijah Roberts, who recognized him, but refused to receive him back into his company until he was duly exchanged; that, so far as he knows or has ever known, he was never exchanged after capture and parol as before stated; that he was present at a meeting of said captains, Elijah and Andrew J. Roberts, in 1864, and was recognized by his said first

captain; that he, under his said second enlistment, served his country fully and faithfully, as also under his said first enlistment, and that he was honorably discharged from said Company C, Second Regiment Tennessee Mounted Infantry, at Nashville, Tenn., on the 6th of May, 1865, as shown by his certificate of discharge presented to this committee.

From the evidence your committee are fully satisfied that said Andrew L. Grugett never deserted from said Company E, First West Tennessee Cavalry, but that his absence therefrom was owing to his capture by the enemy as aforesaid, and his subsequent parol and afterwards recapture by bushwhackers of the Confederacy; that he never did, nor intended to, desert his command; that his failure to obtain a discharge from said first enlistment was wholly or in part from his youth and ignorance of the rules of war.

The evidence before the committee fully establishes the fact that he faithfully served his country in the late war, in two companies and regiments, and holds an honorable discharge from the last company, said discharge having been granted him at the close of the war.

Your committee therefore recommend that said bill be amended by inserting after the word "therefrom," in line 7 thereof, the following: "Said discharge to bear date June tenth, anno Domini eighteen hundred and sixty-three;" and that when so amended said bill do pass.

51ST CONGRESS, 2d Session. | SENATE. | REPORT No. 2623.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. SPOONER, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 5183.]

The Committee on Claims, to whom was referred the bill (H. R. 5183) for relief of Dabney, Simmons & Co., having had the same under consideration, respectfully report:

This bill, which has passed the House of Representatives during the present Congress, was reported to that body from the House Committee on Claims. The report of said committee, which is hereby adopted, is as follows:

The Committee on Claims, to which was referred the bill (H. R. 5183) for the relief of Dabney, Simmons & Co., of Boston, Mass., report as follows:

During the 3 months prior to December, 1889, Dabney, Simmons & Co., of Boston, Mass., imported through their agents, Paddock & Fowler, of New York, one hundred and one cases of opium. The opium was rejected by the customs authorities at New York, on the ground that it did not contain 9 per cent. of morphia, the required standard.

Dabney, Simmons & Co. demanded a reëxamination of the opium, and, as required by section 2936 of Revised Statutes, deposited with the collector $1,111 to defray the expense of such reëxamination.

A reëxamination was made by a competent analytical chemist, who found that eighty-eight of these one hundred and one cases contained morphia considerably in excess of the required standard, which eighty-eight cases were passed.

Dabney, Simmons & Co. ask the return of $968, the amount deposited with the collector for the reëxamination of the cases, which, upon a proper examination, were found up to the standard.

The law makes no provision for the repayment of such expenses.

The committee believe that the first examination, if made by competent, careful persons, would have disclosed the presence in these eighty-eight cases of the standard amount of morphia. The rejection, after examination of the entire one hundred and one cases, satisfies the committee of the incompetency or carelessness of the person or persons who made the first examination. Dabney, Simmons & Co. should never have been put to the expense of a retest of the eighty-eight cases passed upon reëxamination. They seem to have been required to pay $968 for an opportunity to prove the incompetency or carelessness of the Government employés.

The committee recommend that the accompanying amended bill do pass.

The claimant then presented his bills, receipts, and vouchers for payment at St. Louis, Mo., and his bills and vouchers, amounting to more than the sum of $11,000, were about to be paid. But on the same day that he presented them for payment the disbursing officer in charge told him that he had received a telegram that all accounts accruing against the Government by reason of the orders given by General Fremont should be referred to Washington for payment. The claimant then, after the disbandment of the regiment which he had recruited and its division among other regiments, as before stated, recruited a battery, and was ordered to the front with the same under authority of Governor Yates, of Illinois, and he left his vouchers, bills, receipts, etc., in the vaults in the city of Washington, and went to the front and served with his battery until 1864.

Meantime, and while the claimant was with his battery, the act of Congress was passed providing for the payment of similar claims, but also providing that they must be filed within three years, which three years' limitation expired before the claimant returned from active service in the Army, so that he was not able to present his claim until after the three years' limitation had expired. After returning from service he sent his receipts, vouchers, etc., through advice of a friend, to an attorney in the city of Washington, who died soon after receiving the same, and the claimant was never able to get his vouchers until 1878 or 1879. The claimant sent the same to Senator Burnside, of Rhode Island, who introduced a bill for the relief of the claimant; but so far as this committee can ascertain the bill was never considered by the committee. The same bill was also introduced in the Forty-seventh, Forty-eighth, and Forty-ninth Congresses, but never received any consideration at the hands of any committee, and only within the last few days has the claimant or his friends been able to find any of the original vouchers, receipts, etc., which have been found and presented to the committee.

The committee is satisfied, from an examination of all the evidence, that the claimant, John C. Phillips, had authority from General Fremont, and that General Fremont had the power to give him the authority to recruit the regiment, and the committee is further satisfied that the said claimant spent a much larger sum than is now shown by the papers to be due him, but from an examination of all of the evidence and the vouchers on file they are satisfied that he should be paid the amount so expended by him, and to that end the statute of limitation should be suspended; and your committee report herewith a substitute for the original bill, and recommend that the same do pass.

2828

51ST CONGRESS, 2d Session. } SENATE. { REPORT No. 2618.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

REPORT:

[To accompany Senate resolution authorizing the printing of the annual report of the Librarian of Congress for the calendar year 1890; and that in addition to the usual number there be printed 500 copies for the use of the Library.]

The Committee on Printing, to whom was referred the above Senate resolution, report it back favorably and recommend its passage.

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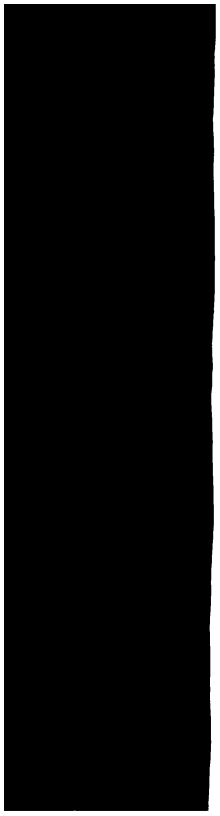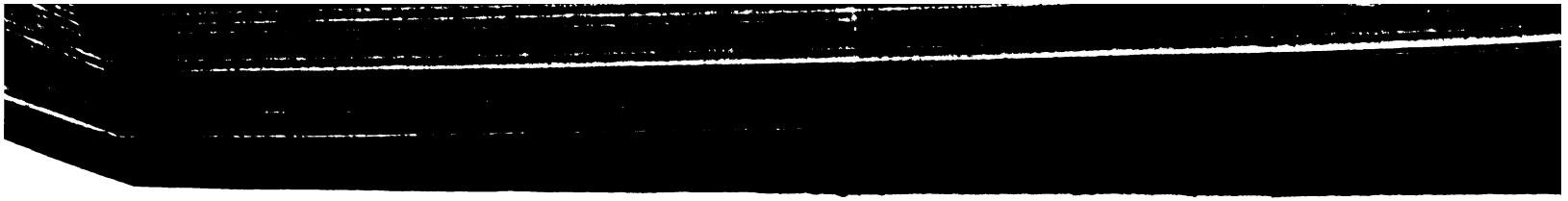
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